The GOVERNMENT *of* METROPOLITAN AREAS

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Committee on Metropolitan Government
of the National Municipal League

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National Municipal League
Committee on Metropolitan Government

THE GOVERNMENT OF METROPOLITAN AREAS IN THE UNITED STATES

Prepared by Paul Studenski with the Assistance
of the Committee on Metropolitan Government

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Foreword

The report on the Government of Metropolitan Areas is the first comprehensive study of its kind to be published in the United States. The committee puts it forward with much diffidence, realizing that the last word still remains to be said. It is believed, however, that the factual data regarding the widely-varying efforts to solve regional government problems will be of value. The committee has no panacea or formula to be applied indiscriminately to all regions, and its criticisms of past efforts to meet regional needs are made in all modesty. Further experimentation and research are necessary before dogmatic opinions can be safely expressed.

The preparation of the present volume has covered a period of more than four years. It was made possible by a grant from the Russell Sage Foundation, which supplied the sinews of war for the Regional Plan of New York and Its Environs. It is unnecessary to state that the Russell Sage Foundation has had no other part in the report and is in no way responsible for its form or conclusions.

The report is in the first instance the work of Dr. Paul Studenski of New York University to whom the committee is under heavy obligation. As secretary of the committee, he traveled throughout the United States and Canada in field studies and prepared draft reports for criticism by the other members of the committee. Dean Sommer, Dr. Thomas H. Reed and H. W. Dodds constituted a sub-committee on editorship, and to them special acknowledgements are also due.

The rapid growth of metropolitan regions has been one of the conspicuous political phenomena of the Twentieth Century. Its implications were early grasped by city planning engineers who realized that matters of transportation, traffic, water, and sewerage paid little respect to local political boundaries. Their efforts have borne fruit in the regional planning movement which ignores old municipal boundary lines as being frequently arbitrary and obsolete.

But to be of value plans must be executed. The loose clusters of municipal units which for the most part today provide what government there is for extensive regions are impotent to give reality to the visions of planners. For this reason both city planners and political scientists are united in recognizing the challenge which a new time makes to our historic situation. A German official visiting the United States several years ago expressed surprise because he had heard no complaints regarding the complicated network and variety of overlapping and piecemeal jurisdictions which he found in our urban regions. Today, however, such complaints are beginning to be heard and methods are beginning to be developed to end the chaos.

Although the 1930 census returns are yet incomplete as to the present size and character of metropolitan regions, enough has been released to demonstrate the manner in which population is distributing itself about our large cities. That there has been an accelerated increase in population in the suburbs and newer communities in the metropolitan areas is clear. The central city's environs are now growing more rapidly than the city itself. Manhattan continues to lose her resident population as her transit and traffic congestion intensifies. In 1900 the words, Greater New York, defined a political unit, but today when one speaks of Greater New York he means an area containing several hundred local governments and covering three states.

Anyone who undertakes a national study of regional government will be impressed by the necessity for more local research into the efficacy of the plans already in operation. Here is a rich field of investigation which should be cultivated intensively by political scientists. The individual regions themselves know too little about the causes and effects of the various devices which they have employed in the past to cure their growing pains.

The task confronting our urban population is one of political reconstruction calling for high statesmanship and sound political wisdom. It is hoped that this report will provide an analysis of past experience as one of the materials for the erection of metropolitan governments able to serve metropolitan ends.

The Committee is sensible of its heavy obligation to the Russell Sage Foundation for its sympathetic support, both financial and moral, without which the study could not have been undertaken. The Committee also acknowledges its indebtedness to the goodly number of public officials, officers of chambers of commerce, of research bureaus and civic organizations, who have coöperated in the collection of material and in the correction of errors of fact or judgment.

Table of Contents

			Page
Chapter	I	The Nature of Metropolitan Communities	7
Chapter	II	Multiplication of Political Units	23
Chapter	III	Need for Governmental Integration	29
Chapter	IV	Intermunicipal Arrangements	43
Chapter	V	Annexations and Consolidations—Procedure	65
Chapter	VI	Public Opinion as a Factor—Terms of Annexation and Consolidation	86
Chapter	VII	Results of Consolidations and Annexations—The Suburban Viewpoint	105
Chapter	VIII	Results of Consolidations and Annexations—The City's Viewpoint	136
Chapter	IX	Differentials in Taxation Between Urban, Suburban and Rural Properties	156
Chapter	X	City-County Separation and Consolidation	170
Chapter	XI	Results of City-County Separation and Consolidation	205
Chapter	XII	Expansion of County Government to Meet Metropolitan Needs	216
Chapter	XIII	Expansion of County Government to Meet Metropolitan Needs (concluded)	235
Chapter	XIV	Special Metropolitan Authorities—Their History and Nature	256
Chapter	XV	Special Metropolitan Authorities—Structure and Powers	288
Chapter	XVI	The Functioning of Special Metropolitan Authorities	313
Chapter	XVII	New York City's Borough Plan	342
Chapter	XVIII	The Federated City	367
Chapter	XIX	Conclusion	388

List of Tables

Page

I. Metropolitan Areas as Defined by the Census Bureau in 1920 8

II. Growth of Six Large Cities and Their Metropolitan Areas 18

III. Per Capita Assessed Valuations and Tax Rates in Representative Municipalities in Five Metropolitan Areas 39

IV. Relative Population in Consolidation Projects 67

V. Expansion of Sixteen Large Cities 69

VI. Legal Methods by Which Annexations and Consolidations Were Accomplished 74

VII. Population and Areas (1920) of Metropolitan Cities and the Counties in Which They Lie 172

VIII. Consolidation of City and County Offices in Baltimore, San Francisco, St. Louis, and Denver 182

IX. Transfer of the Powers of the County Boards of Supervisors to the City Government in New York City under the Consolidation Charter of 1897 200

X. Special Metropolitan Authorities 256

XI. Character and Number of Political Divisions Included in the District 285

CHAPTER I

THE NATURE OF METROPOLITAN COMMUNITIES

Suburbs cluster about every large city. Together with the city they constitute an urban district or metropolitan area. This area is a social, economic, and sometimes physical, unit. It dominates a wider economic area or market which constitutes its hinterland and competes with other metropolitan areas in the national and international market. Politically, however, it is not a unit, for the city and its suburbs are usually organized as separate governmental entities. Concerning these areas, which it recognizes in its statistical computations, the United States bureau of the census has said:

> In many cases . . . the number of inhabitants enumerated within the municipal boundaries (of a city) gives an inadequate idea of the population grouped about one urban center. In fact, in only a few of the large cities do the municipal boundaries closely define the urban area. Immediately beyond the political limits of many cities, and connected with them by rapid transportation systems, are densely populated suburban districts which industrially and socially are parts of the cities themselves, differing only in the matter of governmental organization.

No social or political phenomenon of American life deserves more attention than the startling urban concentration which the last century has brought forth. Until recently, however, the attendant phenomenon of "metropolitanism" has almost escaped notice, and the political organization of these metropolitan areas has been given little attention. The political boundaries of cities have been fixed from time to time on grounds of immediate expediency, but they have never more than momentarily coincided with the actual limits of rapidly expanding communities.

Table I presents the areas and populations of metropolitan regions as conceived by the census bureau in the census of population of 1920. Undoubtedly the census of 1930 will show larger areas and greater populations for these regions than those revealed in the 1920 figures, since the automobile and improved transportation have accelerated the suburban movement during the past decade. Moreover, as discussed below, the census bureau will probably adopt a new method of determining the boundaries of metropolitan regions, and the 1930 data will therefore not be altogether comparable to those of 1920. Unfortunately the returns for 1930 are not yet available.

Table I

Metropolitan Areas As Defined by the Census Bureau in 1920

Name of central city	Political organization			Area in square miles		Population	
	Number of minor civil divisions within area	*Number of counties wholly or partly included in area*	*Number of states in which area lies*	*Central city*	*Metropolitan territory*	*Central city*	*Metropolitan territory*
New York	148	14	2	299.	1174.9	5,620,045	7,910,415
Chicago	90	3	2	192.8	733.7	2,701,705	3,178,924
Philadelphia	119	8[i]	2	129.7	755.4	1,823,779	2,407,234
Boston	49	4	1	43.5	570.4	748,060	1,772,254
Pittsburgh	127	3	1	39.8	659.4	588,343	1,207,504
Detroit	28	3	1	77.9	273.8	993,678	1,165,153
St. Louis	26	4[i]	2	60.9	308.9	772,897	952,012
Cleveland	34	1	1	56.4	232.6	796,841	925,720
San Francisco	28	5[i]	1	87.7	447.7	506,636	891,477
Los Angeles	48	1	1	365.7	799.4	576,673	879,008
Baltimore	2[a]	3[i]	1	79.	381.5	733,826	787,456
Cincinnati	40[b]	3	2	71.1	331.2	401,247	608,850
Buffalo	17	2	1	38.9	218.8	506,775	602,847
Minneapolis-St. Paul	6	3	1	99.	131.7	615,280	629,216
Milwaukee	15	1	1	25.3	200.4	457,147	537,737
Washington	14[c]	3	3	60.1	265.9	437,571	506,588
Kansas City (Mo. & Kan.)	15	3	2	74.3	412.5	425,587	477,354
Providence	12	3	1	17.8	197.6	237,595	444,228
Seattle	6[d]	3	1	58.6	227.6	315,332	357,950
New Orleans	2[e]	2[i]	1	178.	197.3	367,219	397,915
Indianapolis	13	1-	1	43.6	240.5	314,194	339,105
Rochester	10	1	1	29.5	184.9	295,750	320,966
Louisville	14	3	2	22.4	334.6	234,891	318,159
Portland, Ore.	9[f]	3	2	63.2	251.2	258,288	299,882
Akron	17	3	1	22.7	177.9	208,435	285,115
Denver	4[g]	3[i]	1	57.9	72.2	256,491	264,232
Toledo	5	2	1	28.1	93.2	243,164	263,717
Columbus	15	1	1	22.6	126.	237,031	260,338
Atlanta	8[h]	2	1	26.2	133.2	206,616	249,226
Total	921	91	39	2369.9	10,650.2	21,881,096	29,240,582

[a] Baltimore city and Baltimore county—also 9 county districts.

[b] Cincinnati—also 5 magistrate districts.

[c] Washington—also 12 county districts.

[d] Seattle—also 5 precincts.

[e] New Orleans—also 3 wards.

[f] Portland—also 37 precincts.

[g] Denver—also 6 precincts.

[h] Atlanta—also 13 military districts.

[i] In Philadelphia, St. Louis, San Francisco, Baltimore, Denver, and New Orleans, the city forms a separate county. It is included in the number of counties given.

In compiling the above data the census bureau adopted as the nucleus of a metropolitan area every city of 200,000 population not falling within the area surrounding a still larger city. It then made use of the somewhat crude device of including in each metropolitan area every civil division wherein the density of population exceeds 150 to the square mile, the whole or the major part of whose area or population is within ten miles of the boundary of the central city. It may well be doubted if some of the districts covered by the table offer even an approximation of a real metropolitan situation.[1] On the other hand there are certain districts whose nuclei possess a population of less than 200,000 which present, although on a small scale, some of the phenomena of metropolitanism. Among these may be mentioned:

	Population of city	*Population of adjacent area*[2]	*Total*
Albany, N. Y.	113,344	269,615[3]	382,959
Fall River, Mass.	120,485	91,428	333,130
New Bedford, Mass.	121,217		
Hartford, Conn.	138,036	162,387	300,423
Lowell, Mass.	112,759	200,447[4]	313,206
Norfolk, Va.	115,777	187,501	303,278
Scranton, Pa.	137,783	210,010	347,793
Springfield, Mass.	129,614	203,148	332,762
Worcester, Mass.	179,754	88,797	268,551
Youngstown, Ohio	132,358	155,029	287,387

It is probable that the census of 1930 will employ new methods of defining the territorial boundaries of metropolitan areas. The census bureau, in coöperation with the United States Chamber of Commerce, has invited local chambers to assist in defining the limits of the metropolitan regions by submitting maps indicating what, in their judgment, the boundaries of the areas should be.

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[1] The United States census bureau presented the population data for "metropolitan districts" for the first time in the census of 1910. This was preceded, however, by the publication of a bulletin in 1909 (No. 101) presenting the data respecting the manufacturing industries and population of "industrial districts." These industrial districts were essentially the metropolitan districts although they were not called by that name. Thirteen such districts were treated in the publication, the data for each being based on the population census of 1900 and manufacturing census of 1904. The boundaries of the districts were fixed according to the circumstances in each case, economic factors being taken as the determinants in each instance.

[2] All civil divisions, regardless of density of population, the greater part of whose population or area lies within ten miles of the boundary of the nucleus city.

[3] Includes Troy and Schenectady.

[4] Includes Lawrence.

Among the control factors are: the area from which people travel daily to and from the central city, the area within which retail stores make regular free deliveries, the area served by electric power or light from the central city, the area served by telephones operating from the central city as a base, the area served by city water, the area of mail delivery by city mail carriers, the area of residential membership of social and athletic clubs, and the like. With the help of the maps so prepared, and in the knowledge of the densities of population revealed by the 1930 census, the bureau will proceed to approve or modify the boundaries of the metropolitan districts as drawn by the local chambers of commerce.

For the common needs of these metropolitan areas, or greater cities, our existing systems of local government make little or no provision. Each of them contains from two to 149 municipalities (cities, villages, boroughs, towns or townships) scattered, in most cases, over three or more counties. Each of these political divisions possesses its own government independent of that of every other. Each is concerned with its own problems and interests and is inclined to regard its neighbors with a jealous eye. Except in those rare instances where special authorities of metropolitan scope have been created to care for particular matters, there is no unity of action. Still worse, there is insufficient awareness on the part of the people of the metropolitan area that they constitute a real community.

Yet common problems of planning, sanitation, traffic, transportation, water supply, light and power service, health administration, police and, inevitably, finance press insistently for solution. Proper community development means unification and coordination of metropolitan governments. How this can best be accomplished is the subject of the present study.

The Social and Economic Basis of the Suburban Trend

In every metropolis the movement of population from the center to the outlying parts is determined by the same fundamental motives or considerations. These are primarily economic although other motives play a part.

As a rule the people who establish their residences in a new section of the city or altogether outside the city limits are seeking cheap land or low rents, factors which are usually accompanied by low assessments for taxation and, in the suburbs, by low rates of taxation. Freedom from building regulations and other restrictions imposed by the city in its built-up portions is an added inducement. In the outlying districts are also to be found freedom from congestion, opportunities for outdoor life, the rural pleasures and economies of a garden, and a keener neighborhood life.

Attracted by these conditions, the resident of the old city sells his downtown house where the congestion has become too great for him, and for the price obtained buys a larger tract of land and builds a handsomer house uptown or altogether outside the city limits.

In the case of persons of moderate means, this suburban trend is sometimes impeded, sometimes accelerated, by the necessity of living near the district in which they work. The invasion of the outlying districts by industrial establishments is, therefore, peculiarly significant. They bring with them as a rule a large part of their workers, who are now able to live under suburban conditions and yet near their work. Owners of industrial plants find in outlying sections a relative abundance of convenient and cheap sites; low valuations for taxation and, frequently, low tax rates; greater freedom to conduct their business as they like; the possibility of locating directly upon a railway line, river or lake; abundant and cheap water for industrial use, etc. Often, they choose a location which, though lying outside the limits of the city, is yet easily accessible from their downtown offices and from the financial and marketing centers of the town. Near every large industrial center such busy suburbs are to be found. Jersey City and Hoboken are good illustrations.

In a word, the people who locate their residences or industries on the outskirts do so in such a way as to secure all the advantages of a remote or suburban location and yet retain, to the greatest degree possible, the advantages of metropolitan life. By removing to the suburbs, they do not sever the social and economic ties which bind them to the parent city. They carry these ties with them, and whether they realize it or not, bind the suburbs to the city. They act as the messengers and agents of the city's growth.

A third element in the population drift toward the metropolitan periphery is the movement of retail merchants, tradesmen, craftsmen and professional practitioners who naturally attend on population. Grocers, butchers, bakers, doctors, dentists, druggists, carpenters, plumbers, come in increasing numbers with the growth of population. Soon there are shops, restaurants and theatres, each of them bringing some contribution to the population. Municipal improvements and services are introduced and the territory assumes the familiar aspects of city life. As the territory becomes urbanized, industry and population, in their desire to avoid congestion and high costs, seek still more open places farther out.

This expansion of urban population proceeds, naturally, in accordance with the most favorable topography. It follows the banks of rivers and shores of lakes, along valleys and up gently rising hills. It stops at the edge of a wide river or the foot of a steep ridge and continues across that river or up that ridge only when the pressure of industry and population seeking new locations becomes great. It pays attention also to lines of transportation, i. e., highways, street railways, bus and steam railroad lines, or it takes root near a ferry station. It does not always extend in a continuous line, but jumps less favored areas, and forms individual urban settlements at intervals distant from the main solid urban development. In time, industry and population fill in the intervening lands and tie these settlements with the city in one continuous urban development, at the same time pushing their outposts further into the rural areas.

Independent Minor Centers Merge with the Big City

Contemporaneously with the process just described another process is frequently at work in the territory surrounding the city. This consists in the gradual coalescence with the central city of communities established independently of it; and in the gradual social and economic, if not political, merger of these communities with the central city.

In the days when the horse and the stagecoach were the most rapid means of communication, communities separated from each other by a distance of five, ten or fifteen miles led a fairly detached life. If they were separated by a wide river or other sheet of water, by a stretch of meadow land or by a steep ridge or wide ravine, they enjoyed an individual existence although in close physical proximity.

For example, Germantown, founded in 1689 six miles from Philadelphia; Brooklyn, Richmond, Newark, Elizabeth, Perth Amboy, Yonkers, and New Rochelle, as well as other settlements established around the New York Bay at various times during the first century after the settlement of New York; Charlestown, Cambridge, old Roxbury and other towns founded at about the same time as Boston; Allegheny City founded opposite Pittsburgh on the Allegheny River soon after the establishment of Pittsburgh—all these for a long time led individual lives uncontrolled by the greater settlement or city nearby.[5] They attracted population to themselves and grew because of their own advantages, good reputation, and the enterprise of their citizens.

In time the peripheral communities, once detached, came under the influence of the large city. In the early days they were forced to trade, to some extent at least, through the central city. But as time went on this dependence became more pronounced. While still continuing to grow because of their own advantages, efforts and momentum, they began to grow also because of their proximity to the great city. In short they fell under the economic domination of the metropolis.

With the comparatively recent development of the electric street and interurban railways, the common use of the automobile and the construction of great bridges, viaducts and tunnels, distances between all parts of the metropolis have been practically annihilated. The last bar to economic contact with the central city has thus been removed and the almost complete unity of the metropolitan area established. Both the residents of these minor centers and the inhabitants of the central city itself find opportunity to earn their daily bread in the factories and offices of the minor centers. In addition to the typical movement of population

[5] Speaking of some of the settlements around Boston, the Massachusetts Metropolitan Park Commission in its report of 1892 said that their transit requirements some years before had been so slight that "within the memory of people yet in middle life an hourly omnibus was sufficient to meet all the local demands; needs for which all the hundreds of steam railway trains and the electric cars that congest the streets of Boston to their utmost capacity are now inadequate."

cityward in the morning and toward the suburbs at night, there is today in several metropolitan areas an almost equal movement outward to work and inward to sleep. The minor centers grow and prosper as parts of the integrated metropolis much more rapidly than they did as separate cities. So far as can be foreseen, this process will go on, constantly widening the metropolitan area and bringing new, theretofore independent cities into the fold of the metropolitan community.

This absorption of once independent communities can be traced in the case of every great city. In some metropolitan areas such as those of Boston, New York and Philadelphia, the process made itself evident by the middle of the last century. In others, it was accomplished more slowly.

New Rochelle, Yonkers and White Plains, which in 1850 were separated from New York City by miles of sparsely settled land, by 1920 were clearly parts of one urban community. The unsettled area (meadow lands largely) intervening between Newark, Paterson and Passaic on the one hand and the built-up districts of New York on the other have been greatly reduced. The growth of Greater Chicago now reveals settlements which were physically distinct in 1880 but which by 1920 had become a part of a continuous urban settlement.[6]

Convergence of Two Cities of Comparable Size

In at least one instance, that of the "Twin Cities" of Minneapolis[7] and St. Paul, a metropolitan community has been produced through the convergence of two cities of comparable size.[8] They were founded at approximately the same time (about 1850) at two strategic points on the Mississippi River at a distance of ten miles from each other. One was established near the falls at which water power could be developed for the milling of grain; the other below the falls at the head of river navigation. In this manner one became a great milling and industrial center; the other a great trading and railway center. As population increased and local transportation improved, the two cities grew together physically into one continuous urban district. Around them, suburbs appeared, forming together with them a great metropolitan community.

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[6] The following settlements, for example, in the ten to fifteen-mile zone west and south: Oak Park, Maywood, Melrose, Riverside, La Grange, Kensington, and Clifton.

[7] Minneapolis took its origin from the town of St. Anthony, founded on the western side of the Mississippi River in 1848-50. Minneapolis proper was founded in 1855 and annexed St. Anthony in 1872.

[8] The physical and, later, political merger of Cleveland and Ohio City in the fifties is another illustration, on a smaller scale, of the same process. The two cities were founded at the same time, first as villages or settlements, towards the close of the 18th century. They were founded at the mouth of the Cuyahoga River on the shore of the lake, on the two high plateaus, on the eastern and western side of the river valley or ravine which was from one to two miles wide. At first they led detached lives, and competed with each other for trade. The development of manufacturing in the river valley and the construction of bridges brought them eventually together physically (Orth, *History of Cleveland p.* 47). Economic necessity compelled them in 1854 to abandon competition and unite. Their aggregate population at the time was only about 30,000.

Not a New Phenomenon: The Difference between the Metropolitanism of 1850 *and* 1930

It is apparent that metropolitanism in this country, as exemplified by the instances of New York City, Philadelphia and Boston,[9] is at least three-quarters of a century old.

The difference between the metropolitanism of the fifties and that of today is quantitative rather than qualitative. The metropolitan areas are larger than three quarters of a century ago. On account of the expansion of political boundaries, the central cities today occupy larger territories, and a larger number of suburbs lie within their field of influence.

The metropolitan population has correspondingly increased. The suburban dweller lives farther from the center and travels a longer distance to his place of work. But he does not necessarily spend more time in travel. He comes to the city on a modern railway, an electric interurban or street-car line, an "L" or subway, a private automobile or motor bus, instead of on a primitive railroad or horse-car.

Lest there be any doubt as to the essential similarity between conditions of those days and of today, the following contemporary account of the conditions in the "metropolitan district of Boston" (a term used by the writer quoted) in 1850 is here reproduced in part.[10]

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[9] London has presented metropolitan aspects for more than two centuries.

[10] C. H. Derby, *Boston a Commercial Metropolis* in Hunt's Magazine, No. XXII, (1850) p. 484.

> The population of Boston, outside of her chartered limits, already equals the population within. We should do injustice to Boston were we to confine her to such narrow bounds, or within such arbitrary lines. Her true limits, as a commercial metropolis, are those marked out by her business men for their stores, piers, shops and dwellings—the space occupied by those who resort daily to her banks and warehouses, or meet at her exchange. How is it with her sister cities? Philadelphia, by the last census, embraced within her chartered limits less than half her inhabitants; the residue were diffused through the extensive districts of Spring Garden, Moyamensing and Northern Liberties. She virtually extends, under different charters, from Richmond, six miles down the Delaware.
>
> New York reaches fourteen miles from Kings Bridge to the Battery.
>
> New Orleans embraces three distinct municipalities, on the Crescent of the Mississippi.
>
> London, the queen of commerce, contains but six hundred acres, and less than one hundred and thirty thousand people in her chartered limits; but her streets stretch eight miles on the Thames. Within her metropolitan districts are eighteen square miles of buildings, and three millions of people.

Boundaries of the Metropolitan Area

It is frequently difficult to fix the actual bounds of the metropolitan area of a given city. Whether or not a given territory can be regarded as suburban to the city and a part of the metropolitan district, may be determined by (1) its distance from the city and particularly from the central part (preferably measured in time of travel rather than by the actual number of miles), (2) the density of its population, (3) the proportion of its population engaged in the city and traveling daily to and from it, or vice-versa, and (4) the degree to which its industry and business are directed from the city or function through it.

In 1910 and 1920 the United States census bureau defined a metropolitan area in each case as embracing, besides the central city itself, all civil divisions in which the density exceeded 150 per square mile, lying within ten miles of the boundaries of the latter If the line so drawn cut across a civil division in a way to includ more than half of its area or population, the whole of the division was included in the metropolitan area. Such a definition may do well enough when used for the purpose of securing a comparison between metropolitan areas and may give a fairly good idea of an average or *theoretical metropolitan area*. It is bound, however, to be inaccurate in individual application. The ten-mile distance may be more than sufficient in some areas and quite insufficient in others (for example in Greater New York) and may result in a boundary line for the area as arbitrary as the boundary line of the central city.[11]

Sometimes the metropolitan area considered by local citizens to be the territory enclosed within a specified radius of the business center of the city. Thus for example, in Boston the metropolitan area for years was defined locally as the territory embraced within a ten-mile radius of the State House. The radius should be selected, of course, not arbitrarily, but on the basis of certain economic considerations, the principal ones generally being the density of population and the degree of daily travel between the given territory and the central city. Granting that a radius so determined may be helpful in delimiting the area, it nevertheless holds true that its boundaries cannot be drawn simply by the use of the compass. The city does not grow evenly in all directions, and the metropolitan area must necessarily be somewhat irregular in shape.

The density of population determines whether a given territory is urban or rural in character, in other words, whether it is possessed of the social, economic and physical characteristics of a city. The United States census bureau uses this test in addition to that of distance from the city limits. It should not however, be used too rigidly for it is, at times, likely to lead one astray. A given territory may be sparsely settled and yet constitute socially and economically an intimate part of the city; it may constitute a link between the city, or the ring of suburban territory immediately adjoining it, and another outer ring. Every large city has a certain amount of vacant or sparsely settled land between its built-up areas, awaiting future development or destined to break up the monotony of strictly urban development, and every metropolitan area must necessarily contain a still greater amount of such land.

In determining the area of a metropolitan district, social and economic unity are of more importance than distance or density of population. If the residents of a given territory are largely occupied in the city and travel daily to and from it to work or for

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[11] The Regional Plan of New York and its environs considered the territory within 50 miles of City Hall, Manhattan, as the New York region.

Table II

Growth of Six Large Cities and Their Metropolitan Areas[a]

	Years of comparison	*Areas (sq. miles)*	*Population*	*Number of political divisions*
1. New York City	1850	22	515,549	
	1920	299	5,620,048	
Metropolitan New York[b]	1850	996	829,181	56
	1920	1,174	7,910,415	148
2. Philadelphia (City)	1850	2	121,417	
	1920	130	1,823,779	
Metropolitan Philadelphia[c]	1850	140	422,000	30
	1920	755	2,407,234	119
3. Boston (City)	1850	3	138,788	
	1920	43	748,060	
Metropolitan Boston[d]	1850	160	269,874	27
	1920	570	1,772,254	49
4. Pittsburgh (City)	1850[e]	18	50,000	
	1920	40	588,343	
Metropolitan Pittsburgh[f]	1850	35	150,000	20
	1920	659	1,207,504	127
5. St. Louis (City)	1874[e]	18	325,000	
	1920	61	772,897	
Metropolitan St. Louis[g]	1874[e]	61	350,000	26
	1920	309	952,012	
6. Chicago (City)	1889[e]	43	880,000	
	1920	193	2,701,705	
Metropolitan Chicago[h]	1889[e]	174	1,100,000	5
	1920	734	3,178,924	90

[a] Compiled on the basis of the decennial census, 1850, 1870, 1890 and 1920, legislative reports on proposed consolidations (Philadelphia, 1854), contemporary newspaper articles (Boston 1850, Pittsburgh 1868, St. Louis 1874, and Chicago 1889).

[b] Metropolitan New York, as defined for the past by the present five boroughs and the counties of Essex, Hudson, Union, Bergen, and Passaic; and for the present by the census bureau.

[c] Metropolitan Philadelphia, as defined for the past by the area of Philadelphia County, plus Camden, Gloucester City, and Union; and for the present by the census bureau.

[d] Metropolitan Boston, as defined for the past by a nine-mile radius from the Exchange; and for the present by the census bureau.

[e] Towards the close of that year the boundaries of the city were extended so as to include a large part, if not all, of the metropolitan area. The figures are given as they obtained before the extension of the boundaries.

[f] Metropolitan Pittsburgh, as defined for the past by the area proposed for consolidation in 1868, and for the present by the census bureau.

[g] Metropolitan St. Louis, as defined for the past by the area proposed for annexation to St. Louis in 1874, and for the present by the census bureau.

[h] Metropolitan Chicago, as defined for the past by the area proposed for consolidation in 1889, and for the present by the census bureau.

pleasure or educational opportunities, it is properly included in the metropolitan area. If its industries are directed from the city and especially if a considerable proportion of their employees reside in the city, it is again properly a part of the metropolitan district. Such considerations show better than any other test whether a section is a residential or industrial suburb of the city, and a part of the metropolitan community.

Growth of Six Representative Metropolitan Communities Over a Period of Years

It is difficult to determine the boundaries of a metropolitan area. Although the determination can never be exact because it depends upon relations which are somewhat intangible and constantly changing, it is possible to approximate it. Using the figures of the United States census bureau for 1920 and miscellaneous definitions and information for suitable dates in the past, a table has been worked out which gives some idea of the relative size of six metropolitan communities at two widely separated periods. The three in the east afford a comparison over a seventy-five-year period. The other three in the west or middle west afford a comparison over period of thirty-five to fifty years. Although the figures are not altogether comparable, on account of the difference in the definition of the areas for the periods compared, they are nevertheless suggestive.

It may be seen from Table II that New York City, Chicago, Philadelphia, and Pittsburgh contained within their political boundaries a smaller proportion of the population of their respective metropolitan areas at the earlier date than they do today. The reason for this lies in the fact that the political boundaries of these cities were then very much restricted; and that they have been greatly expanded since. In the case of Boston, on the other hand, a reverse situation is found to exist; the city today contains a smaller proportion of its metropolitan population than it did seventy-five years ago. The reason is that the boundaries of that city have not been increased sufficiently to maintain the ratios of the past.

The number of areas recognizable as metropolitan has increased during these past seventy-five or eighty years from four to twenty-nine, if we accept the conclusions of the census bureau. As has been seen, several of the smaller of these are scarcely to be accounted genuinely metropolitan, but on the most conservative estimate, they now number more than twenty.

Present Scope of Metropolitan Communities and Tendencies toward Further Growth

A population of 29,240,850 was contained in the twenty-nine metropolitan districts according to the 1920 census. In other words 27.6 per cent of the total population of the country belonged to the metropolitan class. In two metropolitan areas—Boston and Pittsburgh—the suburban population is greater than the city population, and in two—San Francisco and Providence—it is nearly as great. Next in order come the metropolitan areas of Los Angeles and Cincinnati in which the suburban population amounts to approximately one-half the city population. In four areas—New York, Philadelphia, Louisville and Akron—it equals one-fourth to one-half of the city population; in eleven, it amounts to between ten and twenty-five per cent. In only eight areas—Baltimore, Minneapolis-St. Paul, New Orleans, Rochester, Indianapolis, Denver, Toledo and Columbus—the suburbs represent less than ten per cent of the city population.

Of the total metropolitan population, 7,359,484 persons, or nearly one-fourth, live in the suburbs. The suburban area of these districts is nearly three and one-half times as large as that of the central cities (8,291 square miles as against 2,359 square miles).

Maps showing density and distribution of population over a number of decades reveal the odd shapes which metropolitan communities assume as population growth follows favorable topographical lines. The main body of the community, discounting the rough edges, is semicircular, oval, oblong or triangular, as the case may be. The business section, or nucleus of all its growth, is usually located in the center of the base or in the lower portion of the body and is shown in each instance to be losing resident population, while containing, of course, a large daytime population.

Arms of urban and suburban population extend in different directions from the main body. Their number, length and shape vary in each instance. Thus the main body of New York embraces Manhattan Island and the following territories grouped around it: the counties of Kings, Queens and Bronx, the eastern strip of New Jersey and the northern part of Richmond. Its long arms stretch out into Westchester County and into Connecticut to the north and northeast along the Hudson River and the Sound; into Long Island, along the Sound and Bay, to the east; into New Jersey to the north, west and south. The economic center of the area is a little below, or to the south, of the physical center of it.

Greater Philadelphia consists of an oddly shaped dense portion lying between the Delaware and Schuylkill rivers and of tentacles of lighter suburban population, dotted here and there with a dense settlement, extending in different directions. The social and economic center of the area is southeast of its physical center.

The main bodies of Greater Chicago and Cleveland have assumed oblong shapes, stretching out along their lake shores. Six or seven extensions of urban and suburban population in each case radiate from these main bodies in various directions. The economic center in each community is located near the center of the lake shore. Greater St. Louis is, in its main central portion, oval in shape. It has grown principally to the west. Its longest arms of urban and suburban population extend in that direction. Shorter protuberances have developed to the south and north and still shorter ones across the river and the state line to the east. The economic center is near the right hand or eastern edge of the figure.

The main body of the metropolitan district of Detroit has assumed a triangular shape, its base resting on the river. Its sides form terraces rather than straight lines. The Canadian side of the district, which has a population of about 100,000 comprising seven municipalities is, however, omitted from this description. From the main body of the district, several extensions of urban population radiate to the southwest, west, north and northeast. The economic center lies near the base (the river side) of the figure.

The Pittsburgh district stretches out its arms of urban populations along the rivers and valleys like an octopus. The longest filaments of urban population extend along the banks of the three large rivers. The economic and the physical centers of the area nearly correspond.

If their present rate of growth is maintained, the metropolitan regions will be shown, in future censuses, to embrace yet greater areas and populations. Thus it is predicted that the New York metropolitan region will attain by the year 1965 a population of 21 millions. Manifestly the sound political organization of such vast focal points is of great importance to the nation.

CHAPTER II

MULTIPLICATION OF POLITICAL UNITS

The political organization of metropolitan areas may best be described as no organization at all, but a mere conglomeration of political divisions of various kinds, established at various times, and not bound together in any way. This lack of proper organization is in part due to the way in which our traditional institutions of local government have been applied to the needs of rapidly increasing population.

Our colonial ancestors knew three kinds of local government. First, the county, a division of the colony primarily for judicial, military and other purposes of general concern, and secondarily a unit for the satisfaction of certain local needs. Second, the municipal corporation, sometimes called "city" and sometimes "borough," a unit calculated to serve the special interests of urban communities. Third, the town or township, a unit used in New England for either urban or rural local administration and elsewhere, if employed at all, to meet the more intimate needs of the rural community. Later generations have displayed in many directions a marvelous power of innovation, but they have added nothing to this scheme of local government.

The population being sparse at the outset, the first counties were sometimes of enormous extent. Wayne County, for example, as first set up by an order of the territorial government of the Northwest territory in 1796, embraced the whole southern peninsula of Michigan, portions of northern Ohio, Indiana and Illinois, and the eastern portion of Wisconsin. With the incoming of population, reasons of state convenience and local advantage dictated the subdivision and re-subdivision of these huge areas until counties have achieved something like a standard size of 300 to 750 square miles—somewhat smaller in the thickly settled regions east of the Alleghenies than in the West. In the older parts of the country no material change in the size of county units has taken place for several generations and it is only in the extreme West and Southwest that counties of extraordinary size now occur.[1]

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[1] It is interesting to observe that with the depopulation of the "copper country" of northern Michigan, it is now proposed to merge several of the existing counties into one.

To provide for the characteristic needs of closely built-up communities, it has been the practice, except in New England, to create municipal corporations. In New England the situation was long met by the subdivision of towns. Thus in the middle of the seventeenth century, the territory immediately surrounding Boston was occupied by twelve towns each of primarily agricultural character, but two hundred years later the same area boasted forty urban or semi-urban towns.[2] The Metropolitan Park Commission of Massachusetts in a report submitted in 1892 describes this evolution as follows:

> In the early days the community lines were much simpler than they are at present. The various townships were of large extent and correspondingly few in number. They included town-like clusters of population, like Lynn, Charlestown, and Cambridge, and also rustic farming hamlets . . . As these outlying villages grew, they formed natural centers by themselves, and having their own peculiar local requirements, their needs bearing little relation to those of neighboring communities—being of the simplest character and confined to such functions as schools, public worship and care of highways . . . independent local governments became desirable and when sought were readily granted.

Various Names for Local Units

Outside New England the town or township never attained great vitality as a unit of government. This was especially true west of the Alleghenies where the whole country was divided arbitrarily into "congressional" townships, each exactly six miles square with boundary lines running due north, south, east and west without regard to topography. Under such circumstances when communities arose which required even the simplest of municipal services—street lighting, paving, sewerage, etc.—it was found desirable to create municipal corporations. Pennsylvania took the lead in this direction, by establishing "boroughs" simple in organization and limited in powers. In other parts of the country, the name applied to corporations of this grade is usually "village," but some states like Kansas and California designate all municipal corporations, irrespective of size, as "cities."

Outside New England, there has been little tendency to multiply towns or townships. Indeed, where the "congressional" township prevails their number has been practically fixed from the earliest survey. They have, however, in general remained in existence in spite of the creation of cities or villages in their territory. Only when a city has grown until it occupies all the territory of a township, and not always then, does the township disappear as a unit of government. In most states, when a municipal corporation is set up in a township, the remainder of the township continues as an independent unit of government until it is absorbed by some municipal corporation. In some states, however, among which are Indiana, Illinois and California, cities or villages remain for certain purposes subject to township jurisdiction, even when the whole area of the township is embraced in the corporation.

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[2] Connecticut is the only conspicuous exception to the general New England practice. In that state are to be found numerous small municipal corporations or boroughs.

Rapid Multiplication near Big Cities

The multiplication of units of local government, particularly of small municipal corporations, has been especially rapid in the fast-growing metropolitan areas. In such areas, as each group of dwellings goes up near a suburban railway station, around an industrial plant or on the lands of some aggressive subdivider, the residents usually seek incorporation. Only thus can they be assured of services such as sidewalks, sewers, and police protection without immediate annexation to some existing city or village. Frequently they have moved to the suburbs to escape high taxes or some other disagreeable feature of city life and by separate incorporation they hope to perpetuate the advantages they have secured. The first comers to a new locality are often persons of considerable independence who look forward with pleasure to the management of their own affairs.

Thus fifteen districts and boroughs sprang up in the vicinity of Philadelphia between the years 1760 and 1850. Most of them were formed during the decade 1840-50. In this period the city's population flowed rapidly into the surrounding territory and urban conditions resulted. In a number of instances the incorporation of these districts as boroughs was due to the fact that their residents realized that buildings were being erected and that streets were being laid out without plan or order and were not being properly maintained.

Similar multiplication of local governmental units has occurred in other regions. For example, in 1810 the area now comprising the City of New York contained fifteen minor civil divisions; in 1870 the number had increased to forty-two; in 1890 it had dropped to forty because of the annexing to New York City of part of Westchester County. In 1898 these units were consolidated into the City of New York. In the seven principal suburban counties in the New York region the number of minor civil divisions increased from thirty-three in 1810 to fifty-seven in 1850; to ninety-one in 1870; to one hundred twenty-seven in 1900; and to two hundred four in 1920. In Cook County (Chicago) the number of minor political units grew from twenty-five in 1850 to thirty in 1870, fifty-five in 1890, and one hundred nine in 1920. In Allegheny County (Pittsburgh) the numbers at corresponding periods were as follows: forty-one in 1850, seventy-four in 1870, ninety-one in 1890, and one hundred seven in 1920.[3]

The difficulties inherent in the problem of metropolitan government are complicated by the fact that metropolitan development is no respecter of state or national boundaries. Several important metropolitan communities lie in more than one state. New Yorkers establish suburban residences in New Jersey, New York or Connecticut. Detroiters do not as readily abandon the United States for home sites on the Canadian side of the river. This may have been due to the retarding effect of the necessity of a ferry trip. What will happen now that the Detroit-Windsor Bridge has been opened to traffic remains to be seen.

Metropolitan communities are thus usually composed of a large number of independent, and sometimes overlapping political organizations of varying size and jurisdiction. A fair idea of the number of them in districts defined by the census as metropolitan areas may be obtained from Table I[4]. From this table it appears that:

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[3] Above figures are compiled from the United States Census reports for the years mentioned.

[4] Besides these political subdivisions, in some metropolitan areas a number of unincorporated subdivisions or communities exist. In one instance, that of Baltimore, the entire territory lying outside the limits of the city is a part of one civil division containing no incorporated municipalities whatsoever. The civil division is a county occupying an area of more than 700 square miles. It contains, however, a number of unincorporated communities, in some instances with 5000 or more population. The county of Los Angeles contains 45 unincorporated communities of more than 2000 population each. One of these, lying in the vicinity of Los Angeles, contains a population of 75,000.

In addition, there are many school districts in metropolitan areas which are separate governments. Their number is often as great as the number of the other divisions. As a rule the school districts are coextensive with the cities, boroughs, villages or townships. In some cases, however, there are several school districts in one such political division, or several such divisions in one school district. Since the establishment of the system of public education in this country it has been the practice for the inhabitants of a city, borough, village or township to create a separate corporation for school purposes.

1. There are nine metropolitan communities today, each lying in two states and one lying in two countries: New York, Chicago, Philadelphia, St. Louis, Cincinnati, Washington, Kansas City, Louisville, and Portland—in two states; Detroit in two countries.

2. Of the twenty-nine metropolitan communities, twenty-three lie in two or more counties. Only six:—Cleveland, Los Angeles, Milwaukee, Indianapolis, Rochester, and Columbus lie in one county.

3. The distribution of the other twenty-three, according to census data is as follows:

Areas lying in or embracing four or more counties.		*Areas lying in or embracing three counties.*	*Areas lying in or embracing two counties.*
New York	14	Pittsburgh	
Philadelphia	8	Detroit	Buffalo
San Francisco	5	Baltimore	New Orleans
Boston	5	Cincinnati	Toledo
St. Louis	4	Minneapolis—St. Paul	Atlanta
		Washington	
		Kansas City	
		Providence	
		Seattle	
		Louisville	
		Portland	
		Akron	
		Denver	

4. Three metropolitan communities or areas now contain more than one hundred political subdivisions each: New York has 145, Philadelphia, 119, and Pittsburgh, 127. One, Chicago, contains ninety such divisions; seven have from twenty to fifty; and ten have from ten to twenty. The distribution of those containing less than fifty subdivisions, according to census data, is as follows:

Metropolitan areas containing between 25 and 50 political subdivisions.		*Metropolitan areas containing from 10 to 25 political subdivisions.*		*Metropolitan areas containing less than 10 political subdivisions.*	
Boston	49	Buffalo	17	Baltimore	2
Detroit	28	Milwaukee	15	Minneapolis—	
St. Louis	26	Washington	13	St. Paul	6
Cleveland	34	Kansas City	15	Seattle	2
San Francisco	28	Providence	12	New Orleans	2
Los Angeles	48	Indianapolis	13	Portland	9
Cincinnati	40	Rochester	10	Denver	4
		Louisville	14	Toledo	5
		Akron	17	Atlanta	8
		Columbus	15		

This extraordinary political complexity of the typical metropolitan area is attributable, in part, to a plan of governmental organization long antedating the present era of urbanization and devised to meet wholly different conditions. It arises from a lack of any comprehensive design in the development of urban growth, and the absence of statesmanlike leadership in overcoming inertia. No consistent policies have been evolved such as the somewhat questionable one formerly pursued in England of transforming each city of fifty thousand into a county borough and of more or less automatically annexing built-up areas to the city to which they are contiguous. With us the questions of separate incorporation and annexation have been left to local initiative without guidance from any superior authority except as to methods of procedure.

CHAPTER III

NEED FOR GOVERNMENTAL INTEGRATION

Whatever the reasons for the great number of political divisions, they do not provide an ideal political organization for metropolitan regions. They tend to divert the attention of the inhabitants from the fact that they are members of one large community and lead them to act as members of separate units. They result in great variation in municipal regulations in force in different sections of the metropolitan area, and in the standards of the services maintained, in sectional treatment of problems which are essentially metropolitan, in radical inequalities in the tax resources of the several political divisions, and in jurisdictional conflicts. The political subdivisions are jealous of each other and proceed in virtual independence. Each has its own legislative and executive organization, its traditions, policies, political issues. Frequently each political unit enjoys some special advantage which it desires to retain and which causes it to assume an attitude of suspicion towards other sections not possessed of such advantage; or it labors under some special disadvantage which causes it to envy other communities not under like handicap. It is difficult under these conditions to bring about concerted action throughout the metropolitan area. Consequently it is often well-nigh impossible to solve effectively municipal problems common to all.

In a report submitted to the Pennsylvania senate in 1854, a Select Committee of Senators from the City and County of Philadelphia described the condition which then obtained in the metropolitan district of Philadelphia. Their words may be applied to almost any metropolitan area today. The committee said[1]:

> It is not to be supposed of human nature, that the people of these many separate local governments have not been actuated by a preference and zeal for their separate interests, nor that collisions and hostile feelings have not arisen obstructive to a concert of measures for the common welfare. With no paramount or pervasive power of legislation or control, no laws uniformly operative over the whole could be adopted or executed beyond the respective bounds of each. Rioters suppressed within one jurisdiction take refuge and find impunity within another. Measures of public improvement by the city or respective districts are arrested at each extreme of their narrow limits; and works erected competent to supply the wants of all with but slight additional expense, are cur-

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[1] From a memorial to the legislature of Pennsylvania; copy in the Library of the Historical Society of Pennsylvania.

> tailed of their usefulness and other works at large expense uselessly erected by other corporations. The varying laws of so many localities in close contiguity are so numerous and little known, that the citizens, in their hourly movements, are subjected to legal obligations and powers of which they have no knowledge. These divisions and unseen lines and complications of powers, are potential alike to paralyze or arrest every effort to advance the common welfare and to suppress general evils.

The injury which results from this lack of community consciousness requires no elucidation. In 1851 a group of leading citizens of Philadelphia said:

> The experience of this and all other large cities, American and European, bears witness that for preserving public order, the right of persons and property and all that constitutes good government, there must be a community of feeling as well as of interest and business relations. One people, distracted by the diversities of local laws, and the rivalries and jealousies, prejudices and animosities engendered thereby, cannot abide harmoniously together.

Incoherent Development of the Community Due to Wide Variations in Services Rendered

The social and economic problems which concern the various municipal divisions of a metropolitan area are largely the same for all. They are the usual problems of urban life, somewhat magnified by the fact that they arise out of conditions which exist throughout the entire metropolitan area and not merely in a particular locality. In general they relate to water supply, sewerage, drainage, construction and maintenance of streets, transportation, police, fire protection, public health, disposal of garbage and other wastes, parks, playgrounds, schools, libraries, hospitals, and the like.

It is important to the well-being of the entire metropolitan region that these problems be properly solved in every section. Yet it often happens, in the absence of an effective general organization for the whole area, that some sections fail to live up to their responsibilities. Their failure may be due to physical and economic handicaps, to lack of financial resources, to poor leadership by the men in charge of public affairs, or to the general lack of vision and enterprise of the inhabitants. Whatever the cause, such failure affects injuriously not only the development of the particular section, but the development of other sections as well, and in fact, that of the entire metropolitan community, just as the deterioration of any part of a living organism affects injuriously every other part of the whole.

Thus, if a given section lacks water and sewerage facilities, population will not flow freely in that direction. Wells and cesspools do well enough in a district of widely scattered dwellings but under any considerable density of population they bar the progress of the community and menace its neighbors. If a section is badly policed and criminality, gambling and vice are tolerated, if unsafe construction is permitted, if conditions dangerous to health are allowed to exist, that section becomes a menace to the peace, safety and health of the entire metropolitan region. If the streets in a section are narrow, ill-connected and badly paved, the metropolitan traffic which has to flow through them is interfered with, to the detriment of all. In short, backward conditions in one section injure every other section. On the other hand, every substantial improvement in any section of the area benefits the entire area.

Metropolitan Character of the Water Supply Problem

Problems which are metropolitan in nature can be solved only through a plan embracing the whole area or large sections of it.

Foremost among such problems is that of water supply. Water sources available for a metropolitan region are seldom, if ever, distributed evenly among its subdivisions. Certain of its units may contain or control large sources of supply capable of serving not only themselves but the entire metropolitan community. Others may not be able to command a supply sufficient for their own minimum needs. Thus, for instance, in the metropolitan areas of Chicago, Cleveland, Philadelphia, Detroit, St. Louis and Cincinnati, the only abundant and easily accessible supply is afforded by the great lakes and rivers upon which these areas center. Only the municipalities adjoining these lakes or rivers have direct access to this supply. To make the water available for use and to insure its purity, filtration plants, pumping stations and other extensive works must be built. These entail large capital expenditures. Under these circumstances municipalities not having direct access to the great lake or river, and those having such access but financially unable to undertake the necessary works are handicapped in meeting a vital municipal need. Only three alternatives are open to them: (1) to develop makeshift supplies of their own;

(2) to contract at some disadvantage with the major city; (3) or to seek the formation of some metropolitan organization for water supply purposes.

Sometimes, too, the sources of water supplies contained in the metropolitan area become inadequate, or so polluted as to necessitate their abandonment. The costs of filtering, purifying and pumping the water become so great and the water so unpalatable, if not detrimental to health, as to make the further exploitation of the old resources wasteful and unwise. It then becomes imperative to draw upon more distant sources lying many miles away in sparsely settled territories. Although the few larger municipalities in the area may be able to undertake the independent development of these distant sources, the smaller units obviously will not be able to do so. The cost of such undertakings is usually so great, even from the point of view of the major municipalities, as to make desirable a combination of the financial resources of the whole metropolitan district. The costs involved in securing a supply of water for a single large city are not much less than would be involved if the supply was made to serve the entire metropolitan district, for the basic costs of watersheds, reservoirs and aqueducts in either case are much the same.

A vivid illustration of the evils of piecemeal grappling with the water problem is revealed in a survey of the water supplies of more than thirty municipalities in the Boston district made in 1895 by the state department of health. Startling variations were displayed on the basis of which the municipalities were classified into four groups: those needing new supplies immediately; those needing immediately a supplement to their old supply; those bound to need new supplies in a few years; and those not needing any supplies until after the expiration of twenty or more years.

A somewhat different but equally unsatisfactory condition was revealed recently in the northern New Jersey section of the metropolitan area of New York where about thirty water supply systems, some public and some private, are in operation. Here the various municipalities have been developing water systems in competition with each other, each municipality endeavoring to secure from the state the right to exploit some desirable source. As a result the legislature has been perennially embroiled in fights over water, and the judicial records are replete with cases in which municipalities have engaged in litigation with each other or with private water companies.

Under the circumstances the only sound and economical thing to do is to develop and maintain a water supply for the entire metropolitan area as a unit. This may mean one system or more than one system according to circumstances, but only under such an arrangement is it possible to assure every section in the district an adequate, pure and cheap service of water.

Metropolitan Character of the Sewerage Problem

Main drainage or sewerage is another problem which can be solved effectively only on a comprehensive plan embracing the entire metropolitan community or large sections of it. In such a community there are generally but few main channels through which its various sections may drain, and usually only a few of its political divisions can have direct access to them. Others can reach them independently only by traversing the intervening territory or by draining into minor rivers or creeks connecting with the main channels. In the first instance, authority must be secured to pass through the intervening territory and the costs of the undertaking may be very great on account of the distance to be covered. This costly outlet sewer may parallel a sewer of the intervening territory for a considerable distance. Such an arrangement is uneconomical. In the second instance, the municipalities where the sewage originates actually dump it on the municipalities lying below it on the stream, to the discomfort of their inhabitants. Moreover, the main channel may, under such circumstances, become badly polluted from the sewage discharged into it from all sides, its usefulness for water supply and bathing being thereby destroyed. Thus an intolerable situation develops, which affects adversely the inhabitants of every component municipality of the metropolitan community and which no single municipality is in a position to deal with effectively.

In every metropolitan area a situation of this nature has at some time or other appeared. In the Boston district it had already fully developed in the seventies, in the Chicago district in the eighties of the last century. Perusal of the reports of the city of Boston and the Massachusetts department of health and of articles and pamphlets of the time reveals an ugly situation.

In the metropolitan districts of New York, Detroit, Minneapolis-St. Paul, Milwaukee, Philadelphia, as well as elsewhere, the problem is still largely unsolved.

The situation can be effectively dealt with only on a metropolitan scale. The natural drainage areas must each be provided with a sewer system. These systems must culminate in one or more intercepting sewers to carry the sewage to a purification plant in which all harmful matter is removed. The effluent can then be discharged without discomfort or danger to the public.

Metropolitan Character of the Port Problem

The development of a great port upon which the economic prosperity of the metropolis may depend is obviously a metropolitan problem. The port is an economic unit and should be managed as such. The entire water front constituting the port should be consistently developed; private development and management of wharves, piers and other terminal facilities must be regulated and public docks and other facilities provided; a proper depth of the channel maintained, the waterway properly lighted, pilotage properly regulated. How can all this be effectively done if the port is divided between two or more state and municipal jurisdictions, each of which is jealous of the other and is inclined to manage its particular section as it pleases and to proceed with its development, or refuse to proceed, without regard to the efficiency of the port as a whole? It was recognized as early as the middle of the past century that the establishment of the boundaries of the city or state in the middle of a navigable river was productive of difficulties. At that time Cleveland and Ohio City afforded an example—on a small scale it is true—typical of such situations. The cities were constantly wrangling over the management and development of the port around which they had grown.

"In the history of flourishing cities, the commercial river is not a natural boundary, but a connecting link," declared G. W. Warren, a prominent attorney of Boston, in an argument in 1870 before the Legislative Committee on Towns with reference to Charles River, the banks of which were in different jurisdictions.

For more significant and recent illustrations of the effect of competing jurisdictions, one has only to refer to the ports of New

York and Philadelphia. Great development of the water front, in each instance, has taken place on the side of the river which is controlled by the great city while on the other shore the water front has been wasted. The fight for differentials in shipping rates which the cities on the Jersey side of the New York port has been waging against New York City before the Interstate Commerce Commission[2] further illustrates the consequences which ensue from failure to develop the "port" as a unit in the great metropolitan scheme.

Metropolitan Character of the Transportation Problem

Where each component municipality or county lays out and builds streets and highways independently, a jumble of the main highways of the metropolitan community almost inevitably results. Where a wide street should be built to serve as a connecting link in a great metropolitan highway, a narrow, inadequate street is often constructed, postponing perhaps for decades the development of the arterial highway. Great metropolitan highways have come about more or less by accident and are all too often circuitous and unsatisfactory. A wide stretch built by one municipality or county runs into a narrow roadway built by another. A length of good pavement in one jurisdiction is succeeded in another by a stretch of broken pavement resulting from bad construction or failure to repair. Right-angle turns, jogs or steep grades confront one at every boundary. Even if agreement as to the route of new highways has been reached, some political divisions will almost certainly fail to supply the funds necessary to build their parts of it. When it comes to great works, such as bridges and tunnels, to traverse the natural obstacles which separate one section of the metropolis from another, the difficulty of securing concerted action may be even more pronounced.

Even more significantly metropolitan is the problem of adequately providing the region with street railways and means of rapid transit. If left to the unregulated initiative of private companies, the lines constructed are apt to serve the populous sections adequately but to make meager provision for the movement of population into new and uncongested districts. Street railway profits fatten on short hauls—in other words, upon congestion. When private capital builds street railway or rapid transit lines in advance of population it is usually in connection with some speculative real estate enterprise whose promoters may or may not favor the sound development of the metropolitan area. The group of unrelated political units which constitutes the typical metropolitan community is quite incapable of directing and controlling the forces which ordinarily determine the development of transportation lines.

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[2] The contention of the Jersey towns was based on the fact that no lighterage was involved in shipping from them. The New York interests contended that if a preferential rate were granted to the Jersey side of the port, the New York side would be ruined. The controversy has been renewed and at this writing is again before the Interstate Commerce Commission.

The transit lines, together with the highway system, determine the direction of growth of the metropolitan area and are the channels through which its economic activity flows. They should therefore be planned and developed in a comprehensive manner. Such a plan may be brought into being by the activity of a few public-spirited citizens, but its execution is involved in the form of political organization of the metropolitan area. For this reason the only alternative to a local government adequate to deal with transportation is direct state action. The latter may be externally effective, but sacrifices the principle of local self-government, and is generally, therefore, unavailable.

Metropolitan Character of the Park Program

Parks, manifestly, are most advantageously developed on a plan embracing the entire area. Certain sections may contain sites for large parks conveniently located and capable of accommodating people from the entire district, or at least a large part of it. Other sections having no suitable sites are dependent on their neighbors for outdoor recreational opportunities.

The sections which are most congested and in the greatest need of parks are frequently those which have the fewest park facilities; whereas those least inhabited and in least need usually possess the choicest sites, although they may not be financially able to develop them. Often populous municipalities are deterred from constructing parks outside their own limits by legal difficulties and a natural unwillingness to spend money, the immediate benefit of which will accrue to the inhabitants of another unit.[5]

Other Metropolitan Needs

The problems specifically considered do not exhaust the catalog of metropolitan needs. Certain phases of police and fire protection can be properly dealt with only on a metropolitan scale. In the work of criminal identification and crime detection, for example, effectiveness requires that the whole area unite. The undeveloped parts which cannot maintain their own fire protection must depend on their neighbors for aid unless there be a metropolitan fire force. In the event of great conflagrations, one section is usually willing enough to help another, but without the coherent direction of a common authority, the assistance will not be of maximum value.

Many matters of public health, such as milk inspection, can be treated properly only on a comprehensive plan. Milk shipped by railroad from the dairies arrives at certain receiving stations. From there it is distributed by wagons in all directions. It is obviously wasteful, if not wholly impractical, for each political unit to send its own inspectors to the receiving stations, to exercise supervision over dairies and county plants. To be efficient and economical, the inspection must be by men acting for the entire area or large sections of it. In combating outbreaks of contagious disease, a careless or incompetent administration in one political division is a menace to the whole metropolitan community.

Uneven Development Due to Variations in Financial Resources

The tax resources of a metropolitan community are not spread evenly throughout the entire territory. Certain sections in which most of the business and industrial activities of the community are conducted and in which its most valuable commercial and industrial properties are located or which are inhabited by its most wealthy citizens, contain great tax resources. Others which are sparsely settled or undeveloped or boast only small businesses or minor industries or are inhabited by the less wealthy, possess but small tax resources. Certain sections may be improved already and need little in the way of further improvements; others may be undeveloped and may lack many services. Some contain few children and consequently have small school expenses. Others have many children and large school expenses.

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[5] A vivid description of the local jealousies which stood as a bar to a satisfactory development of a park system in the Boston district is contained in the report of the commission which was appointed to investigate the situation there in 1892. The secretary of the commission said:

> Cities and towns small in area and compact in population are apt to be extremely concerned lest other communities profit more than, or even equally with, themselves by improvements of this kind which they undertake . . . A site most admirably adapted for the purpose, but lying near the boundary line, would in all probability be passed by in favor of some much inferior location solely for fear that inhabitants of an adjacent community might profit by it.

Relatively unimportant with respect to a single isolated city, this failure of tax-paying ability to correlate with need for public services assumes serious proportions in a larger metropolitan community composed of independent taxing units. In the former case the proceeds of taxation from the city as a whole are distributed according to the need as interpreted by a common governing body—the surplus of one section being applied to cover the deficiencies of another, permitting the city to develop as a unit. In the latter, except as state or county funds may be distributed for educational or other purposes, no such equalization takes place, each political subdivision standing on its own feet. Consequently, the political division which happens to have large resources and small needs fares well, whereas another which has small resources and large needs is in difficulty. The first is able to finance all its requirements with a low tax rate. But even under a higher tax rate the second cannot secure all the things it needs. Because of the organic interrelation of the parts of a metropolitan region, self-interest dictates that the more opulent and advanced districts concern themselves with the welfare of those that are backward and poor.

Table III will serve to illustrate the wide variations in tax resources and tax rates between political divisions within metropolitan areas.[6]

[6] It has not been possible to adjust assessed valuations to true market values but reference to C. E. Rightor's tables of comparative Tax Rates published in the National Municipal Review for December, 1925, reveals that variations in the ratio of assessed valuations to true value are negligible with respect to the conclusions herein set forth.

Table III

Per Capita Assessed Valuations and Tax Rates in Representative Municipalities in Five Metropolitan Areas[a]

	Population	Assessed Valuation	Per Capita Valuation	Tax Rate %
Metropolitan Boston (1925)				
Boston	781,529	$ 1,862,799,900	$2,383.53	2.67
Brookline	42,633	136,797,100	3,208.71	1.92
Cambridge	120,053	166,483,200	1,386.75	3.26
Chelsea	47,440	52,701,950	1,110.91	2.60
Lynn	103,147	119,821,665	1,161.66	3.58
Milton	12,861	27,636,615	2,148.87	2.38
Newton	53,364	117,850,800	2,208.43	2.47
Revere	33,261	38,021,400	1,143.12	4.88
Wellesley	9,156	27,705,925	3,025.99	2.50
Metropolitan Cleveland (1924)				
Cleveland	805,422	2,153,809,380	2,674.14	2.19
Bratenahl	1,000	22,110,670	22,110.67	.93
Cleveland Heights	15,236	138,768,340	9,107.92	1.80
East Cleveland	27,292	87,989,310	3,223.99	1.99
Lakewood	41,372	139,528,790	3,372.54	2.06
Shaker Heights	1,616	58,044,750	35,918.78	1.43
Metropolitan Cincinnati (1925)				
Cincinnati	401,247	1,018,498,100	2,538.33	2.12
Norwood	24,966	69,466,780	2,782.46	2.01
St. Bernard	6,312	17,184,110	2,722.45	1.60
Metropolitan Detroit (1925-26)				
Detroit	1,242,044	2,782,651,945	2,240.38	2.54
Fordson	22,500	102,145,885	4,359.82	1.89
Grosse Pointe[b]	10,950	99,255,189	9,064.40	1.79–2.88
Hamtramck	77,000	111,431,652	1,447.16	2.50
Highland Park	55,000	197,923,950	3,598.62	2.19
River Rouge	16,000	24,101,700	1,506.36	3.20
Metropolitan New York (1924)[c]				
New York City	5,620,048	13,508,599,353	2,403.64	2.74
Belleville	15,660	19,135,047	1,221.91	4.20
Glen Ridge	4,620	14,680,456	3,177.59	3.42
Hoboken	68,166	95,595,194	1,402.39	4.73
Montclair	28,816	81,265,506	2,820.74	3.64
Newark	414,524	660,233,500	1,592.75	3.78
Scarsdale	3,506	26,098,480	7,443.95	2.21
White Plains	21,031	70,147,903	3,355.45	3.22

[a] Population is for the year 1920 except for the Boston region for which the state census of 1925 was used. Assessed valuations are for the years indicated in parenthesis for each region and are compiled in each case from an annual report of a state or county board of taxation or from an official tabulation furnished by such a board.

[b]

Grosse Pointe Park	1.98
Grosse Pointe Village	1.79
Grosse Pointe Farms	2.38
Grosse Pointe Shores	2.88

[c] Only real estate is shown under assessed valuation in the case of metropolitan New York.

This table shows a relative concentration of wealth in the central city, but it also shows that frequently there are suburbs in the metropolitan community which have a per capita valuation larger than the central city.

Boston today has a lower per capita valuation than Brookline; New York City a lower per capita valuation than the residential suburbs of Scarsdale, White Plains, Glen Ridge, and Montclair; Cleveland a lower per capita valuation than the residential suburbs of Shaker Heights, Bratenahl, Cleveland Heights, and Lakewood; Detroit a lower per capita valuation than the residential Grosse Pointe and industrial and partly high-grade residential Highland Park (the site of a Ford plant); and Cincinnati a lower per capita valuation than the industrial suburbs of St. Bernard (the seat of Procter and Gamble's plant) and Norwood.

The table also shows that there are suburbs having lower per capita valuations than the city. These suburbs are inhabited by people of small means and contain few, if any, industrial plants—such as Revere in the Boston district, and Belleville in the New York area—or contain a very congested industrial population, such as Newark or Hoboken in the New York district or Hamtramck or River Rouge in the Detroit area.

The variations in some instances are large. Thus Shaker Heights has a per capita valuation thirteen times as great as Cleveland, and Bratenahl and Cleveland Heights eight times and three and a half times as great, respectively, as Cleveland. Grosse Pointe and Highland Park have per capita valuations four times and one and a half times, respectively, as great as Detroit; and Scarsdale, three and a half times as great as New York City. And, on the other hand, Revere has a per capita valuation that is only half that of Boston; Belleville, half that of New York City; Hamtramck and River Rouge, two-thirds of that of Detroit.

The tax rates vary from 1.92 per cent in the rich suburb of Brookline to 4.88 per cent in the poor suburb of Revere, in the Boston district; from .93 per cent in wealthy Bratenahl to 2.19 per cent in populous Cleveland; from 1.6 per cent in industrial St. Bernard to 2.1 per cent in its mother city, Cincinnati; from 1.79 per cent in residential Grosse Pointe village to 3.20 per cent in the industrial River Rouge, in the Detroit district; from 2.21 per cent in wealthy Scarsdale to 4.78 per cent in the industrial and densely settled Hoboken, in the New York area.

There are also great variations in the borrowing capacity of the several municipalities of an area. Some have large borrowing powers, others small. Some have needs far in excess of their borrowing powers, others borrowing powers in excess of their needs. Some are at the limit of their borrowing capacity, others have not even begun to borrow. In a word some sections may be comfortably situated in the matter of borrowing, whereas others are in difficulty.

These wide variations in the tax situation and borrowing capacity of different sections of municipalities may be lessened in only one way—by the establishment of some system of pooling or equalization of their tax resources and borrowing powers. Only by integrating the financial resources of the metropolitan community can a harmonious development be assured.

Summary

It is evident from the foregoing that a political problem new to our experience has presented itself for settlement. We have seen that the modern metropolitan region is composed of local communities each with its own personality and a measure of peculiar needs. Yet, side by side with the locality needs, exist the broader metropolitan interests which the component cities, towns and villages, acting as independent organs of local government, can never serve. For this task it is necessary that the localities be integrated in such a manner as will enable the whole region to function as a political unit. This integration must be so effected as to foster the development of a vigorous metropolitan consciousness in the entire area, promote proper standards of service throughout, preserve and cultivate a healthy consciousness of locality in the constituent parts, and secure the proper treatment of purely local, as distinguished from metropolitan affairs.

The problem is one calling for scientific treatment coupled with constructive imagination. A new form of government seems to be indicated. It is the obligation of political science to devise a form that will work.

Here and there, under the pressure of necessity, something has been done in the direction of integration. Sometimes it has been accomplished on a comprehensive scale, sometimes in a small way, sometimes consciously and sometimes not. The methods employed fall into several classes, the principal being: coöperation, voluntary or forced by the state, between the various political divisions; annexation or consolidation of municipalities; city and county consolidation; expansion of county government services; extension of services by the central city to territory outside its boundaries; creation of special metropolitan authorities for special purposes; and experimentation with the idea of a federated government to cover the political units within the metropolitan area.

These developments will be considered in succeeding chapters.

CHAPTER IV

INTERMUNICIPAL ARRANGEMENTS

Three plans have been advanced by those who believe that a metropolitan organization can be effected simply.

First, the suggestion has been made that legislation be enacted under which the communities in the metropolitan area may agree to coöperate in matters of common concern and pool their resources to that end, and that failing agreement, the state compel action.

Again, it has been suggested that such organization can be effected, at least in so far as essential services are concerned, by the simple device of inducing, or compelling if necessary, the main or central city to supply these services to other communities in the metropolitan area at a reasonable price.

Finally, the proposition has been advanced that a statute giving the city jurisdiction over those functions outside the city limits which vitally affect the welfare of the city would suffice.

None of these three plans would effect any fundamental change in the structure of the government of the territory. They may be summarized thus:

1. Intermunicipal coöperation, i.e., joint undertakings or exchange of services between two or more municipalities.
2. Intermunicipal arrangements by which one municipality—usually the main city—undertakes to furnish specified services to other communities in the area.
3. Extraterritorial activity by the city in matters which vitally affect its welfare.

Each suggestion has been tried in actual practice. In some instances the arrangement was voluntarily entered into under state sanction; in others it was compelled by state action.

Joint Construction of Bridges

The outstanding instance of inter-city activity is the Brooklyn Bridge. The construction of this bridge was begun as a private enterprise. In 1867, under the leadership of Roebling, a number of leading citizens of New York and Brooklyn secured the passage of an act granting them a charter creating the East River Bridge Company, empowered to build a bridge and to charge tolls. The cities were permitted by two-thirds vote of their respective councils to subscribe to the stock of the company and to take over the bridge at any time upon payment to the company of its cost plus 33⅓ per cent. The Brooklyn city council thereafter subscribed three million dollars and the city of New York made a like subscription.

By an act of 1874 supplemented by an act of 1875, a complete change was effected in the ownership and management of the bridge which was then under construction. It was provided that whenever the cities by council action, with the concurrence of two-thirds of the owners of the stock privately held, so decided the enterprise might be taken over by the cities. The board of directors in such event was to be composed of twenty members, consisting of the mayor, comptroller, and eight citizens of each city, the latter being appointed by the two former. The cities were to pay to the company three million dollars and were given the right to acquire through condemnation the stock of any private stockholder refusing to surrender it. They were authorized to issue stock, from time to time, in addition to that already subscribed to complete the bridge. Brooklyn was to bear two-thirds of the costs of the enterprise and New York City one-third. Advantage was taken of these acts by the cities and the bridge was completed in 1883. The costs rose to more than fifteen million dollars.

The venture, it will be noticed, was truly coöperative.

Boston and Cambridge jointly maintain all bridges between them and have built at least two jointly—the Harvard Bridge and the Cambridge Bridge. All are managed by a commission established under a special act in 1870.[1] The commission consists of two members—one appointed by the mayor of Boston and one by the mayor of Cambridge. Boston's member is its commissioner of public works who serves without pay.

After two unsuccessful efforts to agree on the construction of the Harvard Bridge, Cambridge in 1887 petitioned the legislature to compel Boston to build its part of the bridge. A mandatory act was accordingly passed providing for the appointment of a commission composed of two members representing the respective cities and a third member selected by them; each city to pay one-half of the cost of the work.[2] At last the bridge was built and opened for travel in September, 1891. In this case the coöperation was forced upon Boston.

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[1] Massachusetts *Laws, 1870,* chs. 300 and 302 amended by *Laws, 1882,* ch. 155 and by *Laws, 1898,* ch. 467. Section 14.

[2] *Laws of 1887,* ch. 282.

Soon after the completion of the Harvard Bridge, agitation for the construction of a new bridge to Cambridge gained headway.[3] The Elevated Railway Company was about to construct a new subway line to Cambridge for which adequate bridge facilities were needed. In 1897-98 an act was passed providing for the construction of the Cambridge bridge. The two cities were to share in the expense and the supreme court was to decide the portion which the railway company should contribute. Work was completed in 1909.

In 1888, Minneapolis and St. Paul jointly built the Marshall Lake Street Bridge. The Inter-City Bridge on the Highland Ford Parkway, opened in 1927, was also a joint undertaking. The act under which the latter was constructed[4] provided that cities of the first class might jointly construct a bridge between them; that as soon as the councils of such cities had determined to construct such a bridge, a joint bridge committee should be created to prepare plans and specifications and file them in the engineer's office of each city; and that if such plans or specifications were not approved by the council of either city, they were to be amended until approved; that the committee should advertise for bids and let contracts; that the contracts should be in the name of the cities; and that each city should be authorized to issue bonds for $800,000 without submission to the vote of the people.

The history of this legislation is as follows: As a result of ten years of agitation, the United States government built a dam on the Mississippi River between Minneapolis and St. Paul which raised the level of the river in that section and made it available for water power. The two cities became interested in a project to utilize the water power and in 1923 secured the passage of an act permitting the creation of a corporation for the purpose to be composed of the mayors of the two cities and the president of the University of Minnesota. Meanwhile, Henry Ford became interested in the water power and offered to build an automobile plant employing 10,000 people near the dam provided he could use the power. He proposed to place the plant on the St. Paul side of the river which offered the only convenient site for the purpose and filed an application with the United States government for the right to use the water power. St. Paul looked upon the project with favor and withdrew from the original project. Minneapolis, which had little if anything to gain from it, opposed the Ford application. A contest developed which ended in a victory for Ford and St. Paul.

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[3] For the history of this endeavor, see the *Report of the Cambridge Bridge Commission* and *Report of the Chief Engineer* on the construction of the Cambridge Bridge issued in 1909 by the city of Boston, and on file in the Massachusetts State Library.

[4] Minnesota. *P. L. 1923,* ch. 136.

Towards the end of the contest Minneapolis secured an agreement with St. Paul that the latter would participate with Minneapolis, on equal terms, in constructing a bridge over the river, near the dam, which would make it possible for Minneapolis workmen to be employed in the Ford plant. In this way, Minneapolis sought to compensate itself in part for the loss of its share of water power. The act of 1923, described above, was then passed and the commission created under it set to work. The work dragged. It was charged by Minneapolis that St. Paul was putting difficulties in the way, and particularly, that some interests in that city were bent on delaying the construction of the bridge so that the workmen from Minneapolis or other cities employed in the Ford plant at St. Paul would settle and buy lots in the vicinity of the plant. Although the plant was put in operation in 1924, the bridge was not completed until 1927.

That instances of joint construction of bridges between two cities are not more numerous in large metropolitan areas can perhaps be explained by the following facts: Only some of these areas contain rivers bisecting their territory; early bridge building was by private companies and required no action by the cities; in several instances bridges over such rivers were built by the county government—this was particularly true in Pittsburgh; again in some instances the river constituted a state boundary and the construction of a bridge over it was therefore an interstate and not an inter-city matter.

Joint Sewers

Several cases may be cited of intermunicipal coöperation in constructing and maintaining sewers. The joint outlet sewer, begun in the nineties, by Newark, Elizabeth, and several other municipalities in northern New Jersey, is an outstanding instance. The work was originally begun by seven municipalities banded together. But by 1927 the number of participants had increased to seventeen.

In 1890, sections of Newark, Elizabeth, the Oranges, and several minor towns, suffering from the lack of adequate outlets for their sewage, were proceeding independently with the development of plans that would meet their respective needs. Some of these plans were in conflict. Consequently in 1898 the mayor of South Orange called a conference of the mayors of the several municipalities most vitally interested to consider the possibility of joint endeavor. The undertaking developed out of this conference.[5]

The conference constituted itself a committee and appointed an engineer to make a survey. The survey was made, the cost of the enterprise determined, and a tentative plan of apportionment of the costs between the municipalities decided upon. "At this stage," says Mr. Potter, the engineer who executed the work,[6] "it was found that there was some doubt whether the laws of New Jersey would permit a heterogeneous collection of municipalities to act together in a joint enterprise, among them being a city, two townships, two towns, one village and a borough." A general law was therefore enacted permitting two or more municipalities to construct a joint outlet or trunk sewer. Under this law as subsequently amended, municipalities are permitted to enter into a joint contract for the construction of an outlet sewer, to be paid for in the proportion fixed and determined by the contract. The limit of the cost of the trunk sewer and street laterals must not be more than ten per cent of the assessed valuation.

The costs of construction were apportioned primarily according to the capacity of the sewers allotted to each municipality. In addition the length of the sewer branches used by each municipality, i. e., its distance from the outlet, and the difficulties in the construction of certain sections were taken into account. "The further a town was removed from the outlet," says Mr. Potter, "the greater its percentage of cost. . . . . It was the recognition of the fact that there could be no discrimination, other than the logical one of location and proximity to the outlet, that contributed so largely to the harmonious action between the municipalities in the inception of the work."

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[5] See Alexander Potter, C. E. *Joint Outlet Sewer, A History and Description of an Accomplishment by Voluntary Joint Effort,* 1910, p. 110.

[6] Ibid., *loc. cit.*

The project was completed during the first decade of the present century. The enterprise has been managed by a joint meeting composed of one representative from the governing body of each municipality. The assessments for maintenance, which are made annually, are very small, totaling something like $8,000 per annum. The inclusion of new municipalities necessitated new extensions so that a certain amount of construction work is still being carried on.

There are other instances in New Jersey of two or more municipalities joining in constructing a sewer or sewage disposal plant. It is sufficient for our purpose to refer to the North Plainfield and Dunellen sewage disposal works which are managed by a joint meeting composed of the entire council of each participating municipality. This joint meeting, however, appoints an operating committee consisting of one member from each municipality. The plant was constructed and is maintained under a contract executed under the state enabling laws permitting such intermunicipal contracts for the construction of sewers and sewage disposal plants. The share of construction costs which each municipality was to pay was fixed in the contract. An act of 1910 gave any municipality which paid 25 per cent or more of the costs of construction the power to veto the actions of the joint meeting. For this reason Plainfield chose to pay 25 per cent of the construction costs although it was only required by the terms of the contract to pay 18 per cent. The costs of maintenance are divided between the municipalities according to the number and kind of sewer connections in each municipality.

Cleveland and Lakewood have a contractual agreement by which Cleveland takes care of Lakewood's sewage in the eastern section of that city which possesses a population of about ten thousand. Lakewood in return takes care of the sewage in the southwestern section of Cleveland (the former West Park territory) which contains approximately the same population. Neither of the municipalities makes any payment to the other. They merely exchange services. The contract now in force was executed in

1926 and contains no provision for the termination of the agreement.

Other Joint Enterprises

No present-day instance can be cited in any of the principal metropolitan areas of the joint operation of water works by two or more large municipalities. An instance is found in the Philadelphia area which is only of historical interest. This was the building in 1845 by Northern Liberties and Spring Garden, two large suburbs of Philadelphia at that time, of water works costing some $300,000. These works operated jointly until 1854, when these districts were taken into the city.

The joint construction by the city of New York and Westchester County of the Bronx River parkway is an instance of compulsory intermunicipal coöperation, the county in this instance acting in a municipal capacity. The work was executed, under an act passed in 1907, by a commission composed of three members appointed by the governor and representing respectively the borough of Manhattan, the borough of the Bronx, and the county of Westchester.

Although the commission was a state-appointed body, it was given no power to raise funds. New York City was to contribute, according to the act, three-fourths of the costs and Westchester County one-fourth. The major part of the cost was imposed on the city on the ground that the parkway would be used to a larger extent by the residents of the city than by residents of the county. The city disagreed with this contention, arguing that it should not be called upon to pay for the major part of a roadway three-fourths of which would lie in the county. The statute did not make it mandatory upon the city to appropriate moneys because the city, being dissatisfied with this apportionment, had secured a requirement that the approval of its board of estimate be obtained before any obligation could be incurred by the commission. Taking advantage of this clause, the city for several years consistently refused to make any appropriation. The county was willing to contribute its share, but since the city was not contributing, took no action.

For these reasons the commission was for several years unable to proceed. Finally in 1911 the city made an appropriation with the stipulation that it in no way obligated itself thereby to undertake actual construction. Another period of delay followed the completion of the survey. The city refused to provide funds for construction unless certain areas included by the statute as a part of the park reservations were omitted. The point was conceded by Westchester County and the law was amended. Still the city faltered in making appropriations. On several occasions it became necessary for the commission to apply to the courts to compel the city to appropriate funds and the resultant litigation caused additional delay. More than ten years passed before the work was finished.

Frequently two municipalities agree to widen or repave their respective sides of a boundary thoroughfare or their respective stretches of a thoroughfare which crosses such a boundary line; or agree to use uniform specifications in paving. Agreements of the first kind find an illustration in arrangements between Detroit and Highland Park, and those of the second kind in agreements between Cleveland and some of its suburbs.

Two or more municipalities sometimes develop and adopt uniform traffic regulations, or enter into agreements respecting the establishment of bus routes and the granting of bus franchises. The first situation is exemplified by an agreement effected between Detroit and Highland Park.[7] Instances of the second kind are found in Northern New Jersey.

In at least one instance, that of Cleveland and its suburbs, several municipalities in a metropolitan area have begun to deal with a public utility in a concerted and constructive way. In 1926 the Greater Cleveland Transportation Committee, composed of representatives of Cleveland and its three principal suburbs, negotiated an amendment to the old franchise.[8] The amendment granted the company the right to operate buses (thus eliminating bus competition), extended the franchise to 1950, created a metropolitan transportation board of four Cleveland members and one member from each of the suburbs to recommend a coördinated transportation system, raised the possible maximum fare from six cents to ten cents, changed the method of adjustment of the fare, fixed the rate of fare in contiguous suburbs at one cent higher than the Cleveland rate, and permitted the company to pay two per cent commissions on stock sales. It was expected that the amendment would enable the company to raise money for extensions and that consequently a rapid expansion of transportation lines in new sections and growth of the latter would follow. The amended franchise was approved by the governing body of each municipality. With the exception of bus lines practically no extensions have been been made on account of outside conditions which the franchise could not control.

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[7] In January 1929, forty-four municipalities in Westchester County appointed a committee to draft uniform traffic ordinances. Of this number twenty-two bound themselves to adopt the ordinances that may be drafted by the committee.

[8] The committee comprised three members of the Cleveland city council, the mayors of the three suburbs, and one member at large appointed by the city manager of Cleveland acting in his capacity of chairman of the metropolitan council.

Ohio recently enacted a model statute conferring upon municipalities more powers to execute joint contracts.[9]

Why Instances of Joint Action Are Few

It is seen from the foregoing review that the instances of joint enterprise between cities are relatively few. This is not because of any lack of power on the part of the municipalities or any legal obstacles. Necessary powers are already possessed or can be readily secured. It is due to the fact that municipalities seldom have a desire to do things jointly, and frequently, though desiring joint action, fail to agree. It is furthermore due to the fact that legislatures are reluctant to force municipalities into partnership arrangements, obnoxious to them, or to some of them. The chief executive of one of the great metropolitan cities in which contractual coöperation had been tried puts the situation as follows: "Whenever two municipalities discuss their entrance into a contract, it is a horse trade. The city officials who enter into the negotiations do so as advocates of selfish interests. They are expected by their respective constituencies to get something for their city. They would rather not make any contract than risk being blamed locally for not having made a good enough trade."

Coöperation Between Individual Departments

Individual officials of two or more municipalities sometimes coöperate, of their own volition, on some phases of their work. Here the personal factor plays a very large rôle.

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[9] General Code, Sec. 3615-1.

A few examples of such coöperation may not be without interest. The police chiefs of Minneapolis and St. Paul have a direct telephone line, over which they communicate with each other almost daily. All crimes, particularly robberies of automobiles, are reported immediately after their discovery. Until a few years ago the departments interchanged information about criminals. This interchange was discontinued, it is said, because of a suspicion by one of the departments that the other department was not forwarding complete information, but was withholding part for its own exclusive use. The health departments of Detroit, Highland Park, and Hamtramck report cases of communicable diseases to each other.

A form of coöperation takes place quite generally in emergencies. It is customary for fire departments in a metropolitan area to come to each other's assistance whenever fire threatens to get beyond the control of the local department. The appearance of the other fire departments on the scene, however, does not necessarily insure effective coöperation in the suppression of fire. Frequently clashes develop between the departments as to how to go about fighting the fire. Each fire chief or captain has his own idea and gives different orders to his forces. Each force is trained differently and naturally applies different methods.

Conferences

In a few instances intermunicipal conferences have been organized with purely advisory functions. They may be composed exclusively of city officials or partly of officials and partly of private citizens or representatives of civic organizations. Such conferences may concern themselves with general matters of metropolitan character or may confine their attention to a single specified subject. Their deliberations may give rise to inter-city undertakings of metropolitan character. A Cleveland metropolitan council composed of the heads of the principal municipalities in the area was created in 1925, on the initiative of City Manager Hopkins. The council met informally in the city manager's office, and became the parent of the Greater Cleveland Transportation Committee already referred to.

On the initiative of Police Commissioner Brennan of Newark, the police chiefs of Northern New Jersey recently organized to promote greater coöperation.

In three or four instances communities have banded together in unofficial organizations for the purpose of metropolitan planning. In the Buffalo region, better known as the Niagara Frontier, in the Los Angeles district and in the Minneapolis-St. Paul area, associations composed either entirely or partly of official representatives of the various municipalities have been formed. Inasmuch as these associations are organized to confer on planning and act merely in an advisory capacity, there has been relatively little objection on the part of municipal officials to participation in them.

The objects of the Niagara Frontier Planning Association are stated, in its constitution, as follows:

> To encourage and assist the legally appointed authorities in the development of a Regional Plan for the Niagara Frontier District; to assist in the formation and organization of city, town and village planning boards throughout the district; to affiliate organizations and individuals interested in one regional planning within the district; to further all legislation needed for the development of a regional plan in the district; to collect and publish facts regarding the economic, industrial and social values in a regional plan for the district; to promote and coöperate in all ways possible in the extension and the proper development of city, town, village and regional planning in the district.

This association is organized as follows: the chief executive of each city, town, or village, has the privilege of appointing a representative who becomes an active member of the association. Each local planning board, park commission, chamber of commerce, business men's club or other organization interested in planning may also appoint a representative who likewise becomes an active member. Individuals may join the association as associate members. The association is governed by a board of directors of twenty-seven members. It is interesting that all municipalities and the two counties have equal representation in the association despite the difference in their respective populations.

The organization of the Regional Planning Conference of Los Angeles County and of the Niagara Frontier Planning Association led to the establishing by legislation of real planning organizations, possessed of official status, and supported by governmental funds. In Los Angeles County the Regional Planning Commission was created as a part of the county government. In the Niagara frontier, a Niagara Frontier Planning Commission was established as a bi-county body, composed in equal proportion of municipal and other officials from each county, and supported by appropriations from the two counties proportionate to their respective assessed valuations. It is significant that in creating and financing these official organizations it was found necessary to resort to the county, instead of the municipal units of government. In both instances the planning associations or conferences have been continued as agencies through which the commission or board can keep in contact with local public opinion. In the Niagara frontier, the planning association was vested with a semi-official status, when the planning board officially designated it as the agency provided by the enabling act through which it might collect and distribute information.

To summarize, coöperation has helped, here and there, in some metropolitan areas to meet particular situations, or to promote comprehensive arrangements for solving metropolitan problems. But it has not succeeded in unifying the government of a metropolitan area sufficiently to make possible the comprehensive and effective solving of the metropolitan problems. It does not afford an adequate answer to the problem of metropolitan integration.

Sale of Water by the Central City to Suburban Communities

Of the twenty-nine metropolitan cities listed in this study at least seventeen sell water to suburban communities and residents, five sell water ordinarily to their own residents only, while three having no supply of their own obtain their water from another governmental organization or from private water companies. These cities are as follows:

Cities Furnishing Water outside the City Limits	*Cities Furnishing Water inside the City Limits Only*	*Cities without Own Supplies*
New York	Philadelphia	Boston
Chicago	Pittsburgh	San Francisco
Detroit	St. Louis	Louisville
Cleveland	Los Angeles	
Baltimore	Buffalo	
Cincinnati		
Minneapolis-St. Paul		
Milwaukee		
Washington, D. C.		
Kansas City, Mo.		
Providence		
Seattle		
Indianapolis		
Portland, Ore.		
Akron		
Denver		
Columbus		

Most of the cities which furnish water to the suburbs deliver it to them through master meters in wholesale quantities, the suburbs themselves distributing it to the consumers.[10] Each suburb purchasing water makes its own connection with the city mains and owns and operates its own distributing system. Nowadays the city usually exercises some supervision over the character of the connection which the suburb establishes with its mains and in some cases over its distributing system generally. The city charges suburbs for the total quantity of water it delivers. The suburbs resell it to their own consumers and collect the water rents. Their retail rates are naturally higher than the wholesale rates. Only where there are no incorporated suburban communities or other bodies to assume the service do the cities ordinarily furnish water directly to individual consumers.

Generally, the city charges the suburban user higher rates than its own consumers. Some cities (Akron and Columbus, for example) charge 10 per cent more; others (Detroit and Portland, for example) charge 50 per cent to 100 per cent more. Even at the higher rates the transaction is often unprofitable to the central city.

The relation between the city and the suburban community served by it is contractual in character. The city is free to enter into the contract or not, but once it has done so cannot readily withdraw, even if the suburb fails to perform its part of the bargain. It must at least give time to the community to provide itself with water from some other source.

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[10] In cases where a suburb is served by a private company, the city sometimes sells water to the company which in turn resells it to the consumers.

Having indicated some of the general features of water supply contracts, some representative schemes will now be described.

Sale of Water by New York City and Chicago

New York City supplies a dozen or more communities situated in the vicinity of the city's aqueduct in Westchester County. The rate is the same as to its own customers. The service is rendered by the city under a special law which permits all communities situated in the vicinity of the aqueduct to connect with the latter and draw their water from it.

Chicago sells water to its surrounding suburbs, also under a mandatory law which provides that whenever any municipality in the Chicago sanitary districts lays a pipe line to the Chicago city limits and demands that the city of Chicago provide it with water, the city must comply with the request and charge the metered rate then in force in Chicago. Where the city cannot furnish water at sufficient pressure, the municipality in question must itself build a pumping station to secure that pressure. In some cases the municipalities are financially unable to do it. The municipalities served resell the water to the users, adding an additional charge to cover the costs of construction of the main pipe and other works and the costs of distribution generally. This additional charge is in some instances greater than the wholesale rate paid to Chicago, with the result that the suburban users pay prices two to four times higher than those of Chicago.

Municipalities immediately adjoining Chicago may easily build pipe line to the city limits. Those lying farther out, however, cannot do so as easily. Except in the rare instances in which the intervening municipality served by the city may have a capacious pipe and is willing for a given compensation to let the outlying municipality connect with it and use it, the latter is bound to experience difficulty. It must either build an independent pipe line to the city limits, across the other's territory under the latter's permission to do so—a costly undertaking which may involve troublesome negotiations with neighboring authorities; or it must wait until the latter agrees to build a pipe line jointly with it.

Obviously the extension of the suburban service cannot proceed as speedily and economically as under a system by which the work is entrusted to one authority.

In 1925 two companies made application to the Illinois Commerce Commission for permission to furnish water to the suburban area west of Chicago. One was granted such permission, but nothing has been done to consummate the project. It is estimated that an expenditure of about 42 million dollars would be required to deliver water to something like 276,000 people and that the charges would have to be from three to five times higher than the price charged by the city of Chicago. The water department of the city of Chicago estimated that with an expenditure of only approximately five million dollars it could supply practically the same area and deliver the water to the municipalities at the same rate as charged in Chicago. The city, however, is lacking power at the present time to undertake any such comprehensive development for the entire district.[11]

Detroit, Cleveland, Baltimore and Cincinnati

Detroit furnishes water to more than twenty municipalities and townships, in amount equal to approximately 25 per cent of the water furnished by the city to all customers. The city lays mains to its boundaries. Each municipality makes its own connections and builds its own distributing system, except that those municipalities separated from the city by intervening municipalities may connect with the distributing system of the latter with the permission of Detroit and such intervening towns. The wholesale rates are generally about double the Detroit retail rates.

Cleveland furnishes water to Cleveland Heights, East Cleveland, Lakewood, and a number of other suburban communities. All the large suburbs own their own distributing systems, and buy the water from the city at wholesale rates. The suburban consumption amounts to approximately 17 per cent of the total consumption of the city's water. The revenues from suburban sales constitute a somewhat higher proportion of the total revenue—about 25 per cent—on account of the fact that the rates charged to the suburbs are higher than those charged in the city. Even though the rates are higher the city, according to recent investigations, is losing money on the transaction. Howell Wright, director of public utilities, in a report submitted to the city council on June 7, 1926, said:

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[11] This account is based on an interview with John Ericson, city engineer of Chicago, in May, 1926, and letters of Loran D. Gayton, city engineer of Chicago, dated March 6 and 15, 1929.

> Two-thirds of the suburbs have been and are now being supplied with water at rates less than cost. . . . . Future capital investments will be largely for the suburban water supply. A large part of the proposed $3,500,000 in bonds for 1926 will be for the suburbs and the larger portion of $20,000,000 proposed before 1921 will be for the suburbs. Cleveland through its suburban water service has put a premium on suburban real estate development and to some extent at least has thus encouraged an exodus of people from its own boundaries.

Mr. Wright urged that the suburbs be made to bear a larger share of the costs of operation and construction of the new facilities which would be necessary on their account and that the rate should be increased.[12]

Baltimore not only sells water to the residents in the surrounding suburban territory directly, but constructs and operates the entire distributing system, under an arrangement with the county or rather the so-called metropolitan district of the county as described in a later chapter. Since the communities in that territory are unincorporated, the city cannot deal with them directly. The funds for the construction work are furnished by the county, through an assessment on the district.

Cincinnati sells water to Norwood, St. Bernard, and Elmwood, and to a number of sanitary districts organized under the auspices of the county. In the case of the first two suburbs, the water furnished by the city is supplementary to local water supplies. The rate charged by the city is one and a half times that charged to its own customers. With the additional charge which the city of Elmwood makes to its consumers the rate there varies from two to two and a half times that charged in Cincinnati. Elmwood's trunk mains pass through St. Bernard and Norwood. The area now served by Cincinnati covers about one-third of the area of the county. With the organization of other sanitary districts in contemplation, approximately 80 per cent of the county area will be served by the city. The remaining one-fifth of the territory will probably never be populated to any degree nor come into the sanitary districts. The county government shares with the city jurisdiction over the sanitary district. Plans drawn by the county are subject to approval by the city. Construction, after approval has been granted, is carried on by the county. This division of authority and responsibility is said to cause trouble sometimes. It is held that the territory could be served more economically and efficiently if it were constituted into one metropolitan water district operated by a single authority.

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[12] At this writing (July, 1930) honest service-at-cost rates have not been adopted.

Portland, Oregon

The city of Portland supplies water to some thirty private companies and nineteen water districts operating in its suburban territory. The water districts are special municipal corporations organized under the provisions of an act passed in 1917. Each district has its own elective board of commissioners and enjoys liberal taxing powers. Each of the fifty agencies served by the city makes its own connections with the Portland mains and provides its own distributing system. The arrangement is thus described in a memorandum prepared in 1926 by Professor Charles McKinley for the Government Simplification Commission of Multnomah County:

> Not all of the community served by the Bull Run system exercises a control over it. The community is split, practically into two parts. One part manages it for its own benefit but incidentally sells some of it to the other part that lies outside the city. It bears the financial risks involved in this great venture. The other part does not own or control or bear any risks of the undertaking, except in so far as it builds and manages its own distributing systems. The city reaps substantial advantages from its ownership of the supply. It is in position to develop it in advance of its needs and assure itself an adequate supply at all times. It can charge its citizens low rates because of the great density of population and because much of the capital represented in the plant has been paid for by the preceding generation of its citizens. Each generation benefits from the work of the previous generations. The other part of the community which lies outside the city boundaries has no guarantee of an ample supply. The people constituting it being customers, not owners, of the enterprise, are not entitled to the benefits which capital accumulated in the plant confers on the owners. They have to pay higher rates which will not only compensate the people of the city for the operating costs and debt charges but will also pay interest on a portion of the capital represented in the plant, if not actually pay them a profit.

This system of fifty separate distributing plants, as shown by Professor McKinley, is exceedingly wasteful and inefficient. In several instances the distributing systems installed by private companies have been of a very temporary nature. "Some of these systems consist of old wooden mains, laid near the surface; the water is warm in summer and freezes in winter. The pipes are easily damaged. In case of a fire the district may find its system to be out of order and be unable to fight the fire." The pipes laid by these various small districts are small and capable of meeting only the more or less immediate needs of the communities. The districts are financially unable to plan for the future growth of population and particularly for that territory which is not yet populated. Indeed they are unable financially to extend their water mains into their sparsely populated sections. A number of companies operating in the same general area sometimes traverse the same streets with their mains. The larger districts have fairly good distributing systems; the smaller ones often have very bad ones. The city assumes no responsibility for the distributing system outside its boundaries and limits itself entirely to the task of furnishing the water. It does not wish to be involved in the affairs of these districts. Though appreciating the value of the water furnished to them, the districts make numerous complaints against the city.

Professor McKinley in the memorandum quoted above, says:

> There is inherent in the present situation a tendency for the city authorities to see first the immediate interest and convenience of the city of Portland as now constituted. The districts are outsiders about whom the city need not be concerned save in so far as it is convenient for the city to get rid of its surplus water or in so far as they interfere with the city's water system. The districts on the other hand undoubtedly stress their own interests; but being small in population and weak in financial power they have to ask favors whereas the city does not. This will doubtless continue so long as there is a division of political control over the water systems within the metropolitan region. The situation reveals very clearly, we think, one of the most important needs for such political unification as will create a distinctly metropolitan attitude towards the water service.

Rates in the outside district are two to three times higher than those charged in the city. In addition, the districts must bear the debt charges for the construction of their distributing systems.

Results of Sale of Water to Outside Communities

The scheme by which the central city sells water to its suburbs has substantial merits. Properly applied, it secures the integration of the water supply over a considerable portion of the metropolitan territory. It substitutes one centrally managed system, usually of superior quality, for a number of local supplies of inferior character. It tends to secure an equitable distribution of water throughout the territory and usually brings about savings to consumers. It requires no change in the political organization of the territory or in management, nor does it involve any complicated negotiations or delays such as are usual in the joint undertakings.

On the other hand the scheme exhibits substantial weaknesses. The central city is the sole owner of the supply and is naturally inclined to favor its interests before those of the other communities. But even if this be not the case, the situation is dangerous to these communities. Mismanagement or poor planning by the central city affects them vitally and yet they are powerless to defend themselves. Financing the enterprise under this scheme is the sole responsibility of the city, which alone bears all the risks involved and must supply all the funds. Often the city is handicapped by insufficient borrowing and taxing powers. Rates charged in various sections of the territory usually vary greatly.

The scheme promotes no spirit of coöperation between the central city and the suburbs. On the contrary, it may arouse dissatisfaction and mutual suspicion between them.

Finally, the scheme usually involves no more than the integration of the sources of supply. It leaves the distributing system in the hands of the various political units, with the consequence that the distributing system of the territory as a whole is poorly planned and uncoördinated. Each political unit considers only its own immediate needs. Due to lack of adequate resources, minor communities cannot plan far ahead. Consequently, unduly small water mains are often laid and unduly small distributing reservoirs built. The extension of pipes into new territories may proceed slowly because of the inability of such territories to raise the necessary funds. In a word, the distributing system is not planned, financed, constructed or managed on a metropolitan scale.

Sale of Other Services

Seldom, if ever, does a metropolitan city assume the treatment of sewage of its suburbs for pay. In the course of the present study but one instance was discovered in which one city discharges its sewage into a sewer belonging to another, for a definite annual rental. This was the case of Philadelphia, which discharges the sewage of one of its outlying sections into sewers belonging to outlying townships in return for the city's willingness to receive the sewage of the township where its drainage creek enters the city boundaries.

Rare, too, are the cases in which the city undertakes to furnish fire and police protection to a community for a definite pay. Indianapolis performs this service for Woodruff, a village completely encircled by the city, for an annual compensation of $5,000. The village has no police or fire force of its own.

Quite different is the matter of education, especially of the secondary kind. Instances are numerous in which the city receives into its high schools a substantial proportion of suburban children. The charges imposed by the cities vary widely. Indianapolis takes care of the public school education of the children of the village of Woodruff, since it has no public school of its own. It is contended by some officials of the city that because these charges do not include all capital costs, they are really 25 per cent to 35 per cent below cost. Educational services are generally rendered under so-called transfer certificates in accordance with state law. They are not usually the subject of intermunicipal contracts. The children from outside are received only if there is room for them.

Extraterritorial Activities

Many cities, and especially metropolitan cities, carry on some activity in territory outside their political boundaries, under special authority from the legislature. In so doing they exercise what are sometimes termed "extraterritorial powers."[13] Thus they may build and maintain water supplies for their own people in the outside territory when no suitable sources are available within their own limits; they lay sewers and build purification plants there; they establish parks, hospitals, sanitariums, homes for the aged, cemeteries and crematories. Sometimes they extend their highways into the outlying territory, and build bridges and establish ferry services across their boundaries. They may prohibit slaughter houses and hog farms within a certain distance of the city limits. They may exercise control over the platting of the territory in unincorporated and sometimes even incorporated areas, within a certain distance from the city limits. Although not exercising, strictly speaking, extraterritorial powers in the matter, cities often control milk production over a large area by prescribing the conditions which milk producers must maintain if their product is to be sold in the city, and by inspecting farms and facilities periodically.

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[13] For a good discussion of the legal questions involved see Anderson, The Extraterritorial Powers of Cities, *Minnesota Law Review*, X, pp. 475-497, 564-583.

In doing these things for their own people, the cities often benefit incidentally the people outside. The latter use the parks established by the city or the bridge built by it in their territory; the values of their properties are increased by the establishment of the park or the construction of the bridge; they are often benefited by the zoning and sanitary regulations established by the city in their territory. Should they be made to contribute to the costs of these activities or works? Usually they are not made to do so. They do not want to be taxed or assessed by a separate authority, and the legislature is usually reluctant to subject them to such taxation. And the courts are liable to declare such taxation unconstitutional as being "taxation without representation.[14] So long as the people outside, however, do not contribute to the costs, the people of the city do not favor any substantial extension of extraterritorial activities. They naturally do not like to have their money spent for the benefit of the outside people.

The benefits derived by the outside people from extraterritorial activities of the city must be only incidental and not primary. The people of the city would not approve the expenditure of their money primarily for the benefit of other local units. The legislature would not easily grant the city the power to make such expenditures and assume "paternal powers" over the outside territory. The courts would ordinarily not uphold the exercise of such powers. The New York courts in a leading decision involving extraterritorial powers by a city spoke as follows:[15]

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[14] For cases in which this attitude has been taken by the courts see Anderson, *op. cit.* p. 569-571—"The preponderance of judicial opinion," says Professor Anderson, "is undoubtedly against the power of the city to tax real estate beyond its boundaries." He believes, however, that acts empowering the city to assess property for benefits in the outside territory may be upheld by the courts on the ground that the city acts in the matter merely as an agent of the state in whose government the people of the territory are represented.

> The purpose must be primarily the benefit, use or convenience of the city as distinguished from that of the public outside of it, although they may be incidentally benefited, and the work (must) be of such a character as to show plainly the predominance of that purpose . . . . the thing to be done must be within the ordinary range of municipal action.

Thus extraterritorial activities are limited in various ways. They are justified within certain limits and up to certain points. They become objectionable when carried beyond them.

Summary

Intermunicipal coöperation in the sense of joint undertaking by two or more municipalities has made its appearance in some metropolitan areas and has helped on occasion to meet a particular situation or to promote more comprehensive arrangements for solving metropolitan problems but it has not succeeded in unifying the government of a metropolitan area sufficiently to make possible the comprehensive and effective solving of the problems of the area. It does not afford an adequate answer to the puzzle of metropolitan integration.

Intermunicipal arrangements by which one municipality, usually the main city, undertakes to furnish specified services to the other municipalities in the area for a specified price have been utilized almost exclusively in the field of the water supply and, in a smaller measure, in the field of public education. Arrangements of this nature have been helpful in fostering suburban development, but they cannot be considered as permanently satisfactory or capable of successful extension to other functions of government. Sooner or later they place the city which sells the services in an equivocal position with respect to the communities served. One part of the metropolitan region becomes too dependent upon the efficiency and good will of another. The relation of buyer and seller is not one which necessarily promotes accord. In a word, the scheme is of limited application. It does not afford a basis for real, democratic, comprehensive and permanent organization of a metropolitan community.

Schemes of extraterritorial jurisdiction are still more limited in their application and effect.

[15] *Matter of Mayor, etc. of New York* (1885); 99 New York, 569; 2 N. E. 642.

CHAPTER V

ANNEXATIONS AND CONSOLIDATIONS—PROCEDURE

The integration of government thus far effected in metropolitan areas has been attained almost wholly through annexation of territory to the central city or by consolidation of independent communities with it. By these means the boundaries of the principal cities, and frequently of minor centers, have been extended, the number of civil divisions in the area has been reduced, and unified control within the area has been expanded.

Often annexations have been made in piecemeal fashion and without thought of integrating the government on a metropolitan basis. Sometimes however, they have been effected on large scales with the definite purpose of attaining government unity. Apparently piecemeal annexations are as a rule prompted by purely local considerations. Yet, although the fact may not be realized by those who lead the annexation movement, factors of a metropolitan order are involved. Such annexations, though accomplished fragment by fragment, may result in unification of government in a substantial part of the region.

The terms "annexation" and "consolidation" are not identical. "Annexation" implies a simple addition of territory, whether previously incorporated or not, to a local governmental unit. It is the absorption of one community by another. "Consolidation" involves the merger of two or more political units and the surrender by each of some or all of its power to a new consolidated government. In annexation a smaller community is merged with a greater community. A larger but not essentially different political unit results. Consolidation gives birth to a new common government to which the component parts adjust themselves. The legal principles and procedure are, however, much the same, and in this chapter annexations and consolidations will be discussed together. City-county consolidation, which involves the union of two distinct types of local government, will be reserved for later treatment.

Annexations have been more frequent than consolidations. Consolidations have been comparatively few. Outstanding among them are the creation of the greater city of New York[1]; the Philadelphia consolidation of 1854 in which fifteen boroughs and districts and thirteen townships were united with the principal city; the consolidation of Denver with two other municipalities in 1859-60; and the consolidation of Portland, East Portland, and Albina in 1891.[2]

Several consolidations have been attempted without success. In 1867 a fruitless effort was made to unite Pittsburgh, Allegheny City, and several boroughs and townships in the neighborhood. In 1922 the people of Alameda County, California, defeated an ambitious plan to create a consolidated city and county government embracing all the cities on the eastern shore of San Francisco Bay, but continuing in considerable degree the local autonomy of the cities. A proposal to establish a federated city government in Allegheny County, Pennsylvania, under the name of the City of Pittsburgh was defeated on June 25, 1929. A special chapter is devoted to the discussion of the features peculiar to the two last-mentioned projects.

Table IV below shows the relative population of the central city and the minor political divisions involved in several accomplished or attempted consolidations. It will be seen that the ratio ranges from one in which the population of the minor divisions amounts to one-third of that of the population of the city, to one in which it is two and a half times as great.

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[1] The United States Census gives the population of the component parts of New York City for 1900, i. e. two years after the consolidation, as follows: Manhattan Island, 1,850,000; Brooklyn, 1,166,582; Bronx, 200,507; Queens, 152,999; and Richmond 67,021.

[2] The reconstitution of New Orleans in 1852 from the three cities into which it had been divided, with the addition of the city of Lafayette, belongs from the legal standpoint, in this same group.

Table IV

Relative Population in Consolidation Projects

Place	*Date*	*Population at time of consolidation (at nearest census year)*	
		Principal city	*Minor units*
Philadelphia and Philadelphia County	1854	121,376	287,669
Cleveland and Ohio City	1854	17,000 (est.)	5,000 (est.)
Pittsburgh and Allegheny County (attempted unsuccessfully)	1867	60,000 (est.)	100,000 (est.)
Portland, East Portland and Albina	1891	48,494	19,174
New York City, Brooklyn, Queens and Richmond	1898	2,050,600[b]	386,602
Pittsburgh and Allegheny City	1907	302,000 (est.)	149,000 (est.)
Pittsburgh and Allegheny County (federal organization defeated)	1925-29	588,343	597,465

[a] Pittsburgh's population is given by the census as 46,610 in 1850; 49,217 in 1860; and 86,076 following consolidation in 1870.

[b] This figure is the total for the boroughs of Manhattan and Bronx for 1900. A small part of Westchester County, which had not been a part of New York City prior to consolidation, was added to Bronx Borough in 1898, and the above figure for New York City is therefore not strictly accurate.

Extent of Annexations and Consolidations

Table V[3] shows the frequency with which annexations and consolidations have been resorted to in sixteen metropolitan areas and the amount of territory added since the original organization of the central city.

Except for annexation or consolidation there would have been few if any great cities in the political sense of the term. None of the cities mentioned, other than New York City and Los Angeles, would have extended over more than a few city blocks or contained more than one or two hundred thousand people. For example, Boston would have had a population of 170,000, which is the number of people who today live within the original boundaries of the city and on the lands subsequently reclaimed from the river and the sea.

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[3] To make the picture complete, it would have been necessary, in a few instances, also to follow through the various annexations or consolidations because of which certain minor centers in these areas grew to a larger size. It would have been necessary to trace, in the case of New York, the several annexations and consolidations through which Brooklyn came to be what it was in 1897 or Newark what it is today. Space does not permit, however, of such detailed analysis.

Among the instances of annexations or consolidations since 1850 the following, at least, may be said to have been of metropolitan or approaching metropolitan scope.[4] Each included either the whole or a large part of the metropolitan area.

	Increase in area of the city (in square miles)
Philadelphia's consolidation of 1854	from 2 to 128
Cincinnati's annexation of 1870	No data available
Boston's annexation of 1874	from 17.5 to 32.9
New Orleans' annexation of 1874	from 15.9 to 196.2
St. Louis' annexation (and city-county separation) of 1876	from 18. to 61.4
Baltimore's annexation of 1888	from 13.2 to 31.6
Chicago's annexation of 1889	from 43.8 to 169.7
New York City's consolidation of 1898	from 62.5 to 314.7
Seattle's annexation of 1907	from 34.9 to 66.9
Baltimore's annexation of 1918	from 31.6 to 91.9

Special or General Laws Governing Procedure

Annexations and consolidations are effected either through a special law enacted to meet a particular situation or under general laws. Those of early date were commonly accomplished by means of special laws. But with increasing applications for special legislative acts and the adoption of constitutional prohibitions against special legislation, general laws were enacted in many states.

Such general laws usually apply to large metropolitan cities and to smaller cities equally. In Chicago, for example, all the annexations from 1851 up to and including 1869 were made under special laws. But in 1870, a constitutional prohibition against special laws was adopted, and a general law prescribing the procedure for annexations and consolidations was consequently enacted in 1872. The first annexation to Chicago under this law took place in 1887. In Michigan, special legislative au-

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[4] Cleveland's consolidation of 1855 and Portland's consolidation of 1891 are not included in this list, because these cities at the time were not metropolitan in nature.

Table V

Expansion of Sixteen Large Cities

City	*Year incorporated*	*Area (sq. mi.)*	*Area added by annexations or consolidations (sq. mi.)*	*Number of annexations and consolidations*	*Political divisions added to or consolidated with the city*	*Area 1926 (sq. mi.)*
New York City	1653	21.9	292.8	3	15 cities and towns and 16 villages	314.7
Chicago	1830	0.4	204.5	43	1 city, 2 towns, 12 villages, several townships	205.0
Philadelphia	1682	2.0	129.7	2	6 boroughs, 9 districts, 13 townships	128.0
Boston	1630	1.3	41.9	10	6 towns	43.2
Pittsburgh	1804	0.5	……..	44	1 city, 27 boroughs and a number of townships	
Detroit	1802	0.3	138.7	36	1 village and several townships	139.0
St. Louis	1764	1.0	60.3	5	1 city and much un-	?

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City	*Year incorporated*	*Area (sq. mi.)*	*Area added by annexations or consolidations (sq. mi.)*	*Number of annexations and consolidations*	*Political divisions added to or consolidated with the city*	*Area 1926 (sq. mi.)*
New York City	1653	21.9	292.8	3	15 cities and towns and 16 villages	311.7
Chicago	1830	0.4	204.5	43	1 city, 2 towns, 12 villages, several townships	205.0
Philadelphia	1682	2.0	129.7	2	6 boroughs, 9 districts, 13 townships	128.0
Boston	1630	1.3	41.9	10	6 towns	43.2
Pittsburgh	1804	0.5	....	44	1 city, 27 boroughs and a number of townships	
Detroit	1802	0.3	138.7	36	1 village and several townships	139.0
St. Louis	1764	1.0	60.3	5	1 city and much unincorporated territory	? 61.3
Cleveland	1796	1.0	68.2	45	11 cities and villages and several townships	69.2
Los Angeles	1850	28.0	392.5	67	8 cities and much unincorporated territory	420.5
Baltimore	1729	0.1	91.8	19	No incorporated territory	91.9
Cincinnati	1795	3.0	68.2	29	data not available	71.2
Minneapolis	1848-50	1.0	52.3	9	1 municipality and much unincorporated territory	53.3
St. Paul	1849	0.3	55.1	10	1 municipality and much unincorporated territory	55.4
Seattle	1869	10.9 (or 5.1)[a]	60.6	7	14 municipalities and some unincorporated territory	71.5
New Orleans	1718	0.3	189.9	3	several municipalities and some unincorporated territory	196.2
Denver	1858	0.4	58.8	11	13 municipalities and some unincorporated territory	59.2

[a] Originally incorporated with 10.9 square miles, but reduced in 1875 to 5.1.

thorization for each annexation was necessary until 1909, when, following the adoption of the constitution of 1908 containing home-rule provisions and restricting special legislation, the home-rule act was passed in which general rules for annexation were provided. In Portland, the annexing of territory under special legislation ceased in 1903, when a general provision governing future annexations was inserted in the charter of the city. In 1906 special legislation was prohibited by a home-rule amendment to the Oregon constitution.

In some states, special legislation has been resorted to even after the enactment of general laws on the subject. Constitutional prohibitions against special legislation were circumvented by the device of "classification." One city frequently alone came within a specified class.[5] In other states, the practice of annexing or consolidating territory by special legislation has been definitely abandoned. Among these is Ohio, where in 1902, by a decision of the supreme court of the state, all classification of cities for purposes of legislation was declared unconstitutional.

In other states the original practice of annexing or consolidating territory by special legislation enacted for each case prevails, and general laws have not been enacted. Among these are Massachusetts and New York. In New York, however, the adoption of a home-rule amendment in 1923 which prohibits special legislation for cities may necessitate the passage of a general annexation law.

Voluntary or Forcible Annexations and Consolidations

Annexation or consolidation may be either voluntary or forcible. In the former case it is usually contingent upon approval by the people resident in the territory to be annexed or, more rarely, by its governing body. In the latter case it is brought about without an opportunity for the annexed district to make its opposition effective.

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[5] Howard Lee McBain in his *Law and Practice of Municipal Home Rule* (p. 72) cites an instance in Ohio of a law enacted in 1870 extending the boundaries of Cincinnati, despite the fact that since 1852 the constitution of Ohio had prohibited special legislation. The act was declared unconstitutional by the courts on the ground that it was a "special act conferring corporate powers' and the constitution specifically prohibited such acts.

In the early days when the country adjoining a city was sparsely settled and not yet incorporated, annexations and consolidations were generally effected without a vote of the inhabitants of the annexed area.

Later, as the neighboring territories became settled with numerous independent urban or semi-urban governments and as the spirit of home rule grew, this practice could no longer be resorted to with ease. The inhabitants of the suburban region now were able to muster a substantial number of votes. They were represented in the legislature. They objected, naturally, to any proposal that would terminate without their consent their independent governmental existence and place them under the control of the city. The legislature was frequently disinclined to act preëmptorily and desired assurance that the majority favored the proposed annexation or consolidation. The only way to obtain this assurance was through an election.

There was consequently developed the legislative practice of referring requested annexations or consolidations to a local referendum to be held in the territories to be annexed as well as in the city, and providing that the proposal should become effective only upon a favorable vote in both localities.[6] The cities, too, often realized that they could no longer deal with settled and "incorporated" communities as they had dealt with less developed areas, and that before attempting forcible measures it might be politic to try to bring about annexation voluntarily.

In time forcible annexation came more and more to be limited to "unincorporated territory" outside the city or to extreme cases in which repeated efforts to annex territory with consent had failed and in which a broader, public point of view imperatively demanded annexation. In some states "forcible annexation" was dropped from legislative practice altogether either tacitly or because of special constitutional prohibitions adopted at the request of suburban communities.[7]

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[6] In some cases, as will be seen below, the referendum would be ordered only in the territories to be annexed. The governing body of the city would be empowered by law to admit territories which have voted to annex to it.

There are, however, numerous exceptions to the development described above. In some cases voluntary action and forcible action have alternated from the beginning. In others, forcible action has been availed of in every instance and remains the rule to the present day.

To illustrate, all the annexations to Boston prior to 1855—East Boston and the Islands in the seventeenth century, and South Boston and Washington Village in 1804 and 1855 respectively—were effected under special legislation without local referenda. The areas involved were almost completely devoid of population at the time. Every subsequent annexation, however, which in each case concerned a substantial outlying community, was preceded by a local referendum.

With relation to Philadelphia the first legislative measure dealing with annexation contemplated voluntary action on the part of the areas to be annexed. It was an act passed on March 30, 1836, permitting the annexation of Moyamensing and Passyunk as soon as their governing bodies agreed with the governing body of Philadelphia. Apparently agreement could not be reached, for nothing came of the effort. In 1845, and later, bills were introduced providing for forcible annexation of the districts surrounding Philadelphia. The legislature refused, however, to enact them and "to impose on all the districts a grand central government on a petition of a minority."[8] Agitation continued and gained such proportions that an act was finally passed providing for a forcible consolidation with the city of Philadelphia of all the districts, boroughs and townships in Philadelphia County.

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[7] Thus, for example, the state of New York adopted an amendment of its constitution, in 1927, as follows (art. XII, section 8): "No territory shall be annexed to any city until the people of the territory proposed to be annexed shall have consented to such annexation by a majority vote on a referendum called for that purpose." The adoption of this amendment was pressed by the citizens of Westchester County who wanted to have a constitutional protection against their ever being forcibly included in New York City. It was approved by Governor Smith on the ground that it was in accord with democratic principles (see his statement issued on the eve of the election of November 8, 1927). It is interesting to note that the amendment has been very loosely drawn. It is not clear from its context whether the "territory" meant is incorporated territory or unincorporated as well; whether the vote may be taken in a "territory" designated by the legislature and containing a number of incorporated communities as a whole or whether it must be taken in each such community separately. Not until the courts have ruled on this amendment will its real meaning and full significance be known.

[8] From *Minority Senate Report 1851, Senate Journal 1851,* vol. II, p. 183.

As to Pittsburgh, laws providing for voluntary and forcible annexations have alternated from early days to recent times. The first two statutes relating to annexation of territory to Pittsburgh were enacted in 1836. One provided for the annexation of Northern Liberties, a borough just outside the city limits, without local referendum. The other provided for voluntary annexation of parts of Pitt township to the city, but no advantage was taken of the latter statute. An act, passed in 1843, provided for the annexation of certain territories in Pitt township upon local referendum, and in 1845-46 four districts accepted annexation under it. The consolidation act of 1867 contained a mixture of voluntary and compulsory features. The territory to be consolidated was divided into three districts. In one the annexation was decreed by the act itself, but in the other two it was made conditional upon approval by the people. As the vote taken under the latter act was against consolidation, another statute was enacted in 1872 which annexed one of the two districts to the city without its consent. Numerous voluntary annexations have since taken place under the general law providing for annexation upon local referendum. On the other hand, Allegheny City was forcibly annexed under an act of 1906. Subsequent attempts to secure the passage of bills providing for forcible annexations have failed because of the vigorous and united opposition of the suburban communities and their League of Boroughs and Townships.

The two Pennsylvania acts of 1836, enacted respectively for Philadelphia and Pittsburgh, were probably the earliest in any state providing for voluntary annexation of territory to a large city.

In Illinois the special laws enacted from 1861 to 1869 annexing territory to Chicago became effective without referenda. The territory annexed thereby was unincorporated. The general law of 1872 laid down three methods of procedure to be used under different circumstances: two forcible in nature, and one voluntary. This law, with some modifications, continues in effect but the forcible procedure permitted by it has been invoked in only four instances.[9]

The Ohio legislature provided for early annexations to Cleveland without local referendum. However, in 1850 an act was passed calling for a vote in each of the two cities on the consolidation of Ohio City with Cleveland. The union was sought by Ohio City. The city council of Cleveland opposed it. In this situation the legislature ordered the election.[10] In Cleveland since that time local referenda have been the basis of annexations of incorporated territories. The forcible procedure has been retained only for unincorporated tracts.

Annexations to Detroit were brought about without referenda there until 1909, when the home-rule act was enacted requiring a referendum in every instance—whether the territory was incorporated or not.

Annexations to and consolidations with St. Louis have all been compulsory. However, they all took place more than half a century ago. The last enactment on the subject was a constitutional amendment, ratified in 1924, providing among other alternatives an opportunity for the voluntary annexation of the entire county. A proposal for such an annexation submitted under this amendment was defeated by the unfavorable vote of the county in October, 1926.

Every annexation to Los Angeles, except perhaps that of 1859, was accomplished by a local referendum. It should be noted, however, that the annexation movement in that city only gained momentum in 1895. In 1922 a clause was inserted in the California constitution specifically prohibiting forcible annexation of incorporated territory. This was done at the instance of the representatives of the smaller towns and districts of Los Angeles County who feared that Los Angeles might secure legislation forcibly annexing the towns and districts represented by them.[11]

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[9] In the annexation of the village of Jefferson on 1887, some unincorporated territory in 1889, South Englewood in 1890, and part of Calumet township in 1895.

[10] The Cleveland city council submitted to the legislature a resolution passed by a vote of five to three in which it declared that "such a union at this time is not desirable, and is not believed to meet the views of our citizens at so short notice." The legislation was nevertheless passed and a vote held in which Ohio City voted overwhelmingly in favor of the union, but Cleveland cast 850 ayes and 1098 nays. Only three years later, in 1854, after the terms of the consolidation were worked out satisfactorily between the two cities did Cleveland, too, cast a favorable vote. See Samuel P. Orth, *History of Cleveland,* p. 45.

Annexations to Portland, Oregon, prior to 1891 were of unincorporated territory and were made under special laws without local referenda. In 1891 when a movement was launched on a broad scale for the consolidation of two important municipalities—East Portland and Albina—with the city, a statute was enacted providing for a local referendum. This was the first instance in which such a provision had been made to apply to that city. The referendum was favorable and the consolidation took effect. In 1893, two years later, a general law was enacted providing for annexations under a referendum scheme. In the same year, however, the annexation of Sellwood was accomplished under a special law without a vote of the territory. The practice of annexing territory without its consent ceased in 1903 when a section was inserted in the charter of the city adopted in that year by which a vote of the territory was required in every instance. A clause in the state constitution, pertaining to annexations and consolidations, adopted in 1914, prohibits by implication the enactment of legislation applying a forcible procedure to any incorporated territory.[12]

With the exception of that of 1888 every annexation to Baltimore has been forced by special legislation. The annexed territories were all unincorporated. All annexations to and consolidations with New York City, whether of incorporated or unincorporated territory, were accomplished without consulting

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[11] The amendment appears as Section 7½b of Article XI, and reads as follows: "No incorporated city or town shall ever be transformed or annexed to or consolidated with, any other municipality, or consolidated city and county, without the consent of a majority of the voters of such incorporated city or town voting at an election called for the purpose."

[12] Constitution of Oregon Art. XI sec. 2^{a}: "The Legislative Assembly, or the people by the initiative, may enact a general law providing a method whereby an incorporated city or town or municipal corporation may surrender its charter and be merged into an adjoining city or town, provided a majority of the electors of each of the incorporated cities and towns and municipal corporations affected authorize the surrender or merger as the case may be."

Table VI

Legal Methods by which Annexations and Consolidations were Accomplished

					territory
	1912 to 1924	General	Voluntary	68.9	Unincorporated territory; 12 annexations
	1925	General	Voluntary	14.4	Redford Village and unincorporated territory
	1926	General	Voluntary	19.9	Unincorporated territory
St. Louis	1822	Special	Forcible	.4	Unincorporated
	1841	Special	Forcible	4.	Unincorporated
	1855	Special	Forcible	9.2	Unincorporated
	1870	Special	Forcible	4.	Carondelet City and unincorporated territory
	1876	Special	Combined of city and territory	43.4	Unincorporated territory
Baltimore	1745 to 1799	Special	Forcible	1.3	Unincorporated territory
	1816	Special	Forcible	11.8	Unincorporated territory
	1888	Special	Voluntary	18.4	Unincorporated territory
	1918	Special	Forcible	60.3	Unincorporated territory

Table VI

Legal Methods by which Annexations and Consolidations were Accomplished

City	Year	General or Special act	Voluntary or forcible	Territory added to principal city	
				Area in Square Miles	Nature
New York City....	1873	Special	Forcible	19.5	3 villages
	1895	Special	Forcible	21.1	2 villages
	1898	Special	Forcible	264.5	15 cities and towns; 11 villages
Chicago	1887 to 1924	General	Voluntary	157.5	15 cities, towns and villages and much unincorporated territory
	1851	Special	Forcible	4.2	Unincorporated territory
	1853	Special	Forcible	4	Unincorporated territory
	1863	Special	Forcible	6.3	Unincorporated territory
	1869	Special	Forcible	11.5	Unincorporated territory
	1889	Resolution of county commission	Forcible	7.1	Unincorporated territory
	1890	City ordinance	Forcible	2.9	South Englewood
Philadelphia	1854	Special	Forcible	129.6	15 boroughs and districts; 13 townships
	1916	General	Voluntary	.1	Unincorporated territory
Boston	1637	Special	Forcible	.3	East Boston and The Islands
	1804	Special	Forcible	Data unavailable	South Boston
	1855	Special	Forcible	Data unavailable	Washington Village
	1868	Special	Voluntary	3.8	Roxbury
	1870	Special	Voluntary	8.7	Dorchester
	1874	Special	Voluntary	17.4	Charleston, Brighton and West Roxbury
	1911	Special	Voluntary	4.6	Hyde Park
Pittsburgh	1836	Special	Forcible	.2	Northern Liberties Borough
	1846	Special	Voluntary	1.1	Unincorporated territory
	1867	Special	Combined vote of Pittsburgh territory	21.4	Lawrenceville Borough and 5 townships
	1872	Special	Forcible	4.2	11 boroughs
	1894 to 1926	General	Voluntary	Data unavailable	14 boroughs and much unincorporated territory; 15 annexations
	1907	Special	Combined vote of Pittsburgh and Allegheny	8.	Allegheny City annexed by combined vote
Detroit	1815 to 1907	Special	Forcible	35.3	Unincorporated territory; 13 annexations
	1906	Special	Voluntary		Unincorporated territory
	1912 to 1924	General	Voluntary	68.9	Unincorporated territory; 12 annexations
	1925	General	Voluntary	14.4	Redford Village and unincorporated territory
	1926	General	Voluntary	19.9	Unincorporated territory
St. Louis	1822	Special	Forcible	.4	Unincorporated
	1841	Special	Forcible	4.	Unincorporated
	1855	Special	Forcible	9.2	Unincorporated
	1870	Special	Forcible	4.	Carondelet City and unincorporated territory
	1876	Special	Combined of city and territory	43.4	Unincorporated territory
Baltimore	1745 to 1799	Special	Forcible	1.3	Unincorporated territory
	1816	Special	Forcible	11.8	Unincorporated territory
	1888	Special	Voluntary	18.4	Unincorporated territory
	1918	Special	Forcible	60.3	Unincorporated territory

the desires of the people in any legally binding manner. In the future, however, consent of the territory will be required under a constitutional amendment adopted in 1928 which prohibits forcible annexation.

Arguments Pro and Con.

Cogent arguments may be advanced in support of both voluntary and forcible annexations.

According to the doctrine of voluntary annexation no territory, particularly no incorporated territory, should ever be brought into the fold of a city without its consent. It is contended by those who adopt this doctrine that if annexation or consolidation promises to be beneficial the electorate of the territory to be annexed or consolidated will agree to it and there will be no need of compulsion; whereas if it is likely to prove injurious, the territory ought not to be subjected to it. The legislature, it is said, should safeguard the interests and independence of small communities and large communities alike, and ought not to permit the latter to gobble up the former. Moreover, forcible annexation or consolidation, it is asserted, is contrary to the right of local self-government and to many it will always seem to be repugnant to the spirit of democracy and the sense of fair play.

According to the doctrine of forcible annexation, the interests of the greatest number and the welfare of the state should alone be considered. Where the public interest demands that the boundaries of a great city be extended by annexation or consolidation, it should be done regardless of whether the territory to be annexed to the city or consolidated with it likes it or not. No small territory, it is said, should be allowed to retard the development of a metropolitan community.

This doctrine was enunciated by Governor Albert C. Ritchie in an opinion rendered by him on January 8, 1917, as attorney general of Maryland when the question whether the proposed annexation of territory to the city of Baltimore should be submitted to the vote of the people of the territory was under discussion. He said in part:[13]

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[13] *Report of the Non-Partisan Greater Baltimore Extension League,* 1917.

> The extension is needed because the interests of a city of 600,000 inhabitants—and therefore the interests of the whole state—require it. Even private property can be taken, for just compensation without the owner's consent, when the public interests require it. All the more should the state when the public interests require the extension of the limits of its greatest city, be free to grant the extension on the terms which the state deems fair, without a referendum to the comparatively small number of citizens who live in the localities affected. It is not right that a state-wide need, as I consider the extension of Baltimore's limits to be, should run the chance of defeat because of possible opposition from the voters in the districts to be annexed or in the counties of which these districts now form parts.

Equally emphatic is the statement of Judge Harlan, former chief justice of the state of Maryland. In an opinion given on September 17, 1917, he expressed himself as follows:[14]

> In my judgment it is not only *right* for the legislature to extend the limits of Baltimore City without any referendum—if in its judgment, the public welfare demands the extension—but it is its duty to do so. The duty rests upon the legislature to determine when the progress of the city and the welfare of the state demand an extension of the city limits, and it would be shirking its duty for the legislature to submit the decision of that question to a majority of the voters in the terriory to be annexed.
>
> In fact this does not violate the principle of government by consent of the governed, because when people settle on the edge of a growing town or city they must be presumed to know that they are liable to be taken into the city by the legislature whenever the legislature thinks the public welfare would be served by doing so. In the case of *Daly* vs. *Morgan* (69 Maryland Reports, page 461) the Court of Appeals refers to the fact that everyone must anticipate the extension of the limits of a growing city in these words:
>
> 'Those who locate near the city limits are bound to know that the time may come when the Legislature will extend the limits and take them in. No principle of right or justice of fairness places in their hands the power to stop the progress and development of the city, especially in view of the fact that the large majority of them have located near the city for the purpose of getting the benefit of transacting business or securing employment or following their profession in the city.'

The legal right of the legislature to extend the boundaries of a city, without a referendum, in the absence of a constitutional prohibition, has been sustained in numerous decisions. The rule of law is stated by Dillon thus:

> Not only may the legislature originally fix the limits of the corporation, but it may, *unless specially restrained in the constitution, subsequently annex,* or authorize the annexation of con-

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[14] *Ibid.*

> tiguous or other territory, and this without the consent, and even against the remonstrance of the majority of the persons residing in the corporation or on the annexed territory. The power to enlarge the boundaries of a municipality by the annexation of contiguous territory is an incident to the legislative power to create and abolish municipalities at pleasure.[15]

Between these two opposite theories, there is an intermediate doctrine which recognizes in general the superiority of the voluntary procedure and yet admits that in certain cases and under certain reservations resort to forcible procedure by the legislature is justified. For that reason the middle-of-the-road people look askance upon amendments of the state constitutions prohibiting the latter procedure under all conditions.

Voluntary Annexation Procedure

Proposals for voluntary annexation to the city are usually, in form at least, initiated by citizens of the suburban community. Neither the government nor any group of citizens of the greater city will, as a rule, openly take the initiative; because it is generally conceded that such a proposal stands a better chance of approval if it appears to come as the spontaneous desire of the people of the suburb. Likewise, the governing body of a suburb seldom initiates such proposals. Indeed they are generally found in opposition since annexation terminates their official existence.

Most of the general laws governing annexation provide that the question of annexation of any territory, whether incorporated or unincorporated, shall be submitted to a vote of the people of the territory when proposed by a petition bearing a specified number of signatures of the voters of the territory. Often, too, provision is made for a vote on the same question in the city to which the territory is to be annexed. The latter provision is practically superfluous, however, for the vote of the people of the city is almost invariably favorable. But few instances have been met with in this study in which the people of the central city have voted against annexation.[16] Often the voters know nothing regarding the assets, obligations and needs of the territory proposed to be annexed and therefore cannot vote intelligently. As far as the annexing city is concerned, a much wiser and simpler arrangement is to require the consent of the governing body, since it is in the most advantageous position to act intelligently.

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[15] Dillon. *Commentaries on The Law of Municipal Corporations*, par. 355.

[16] In 1926 Detroit voted against annexing portions of Warren and Royal Oak Townships. Both territories lay outside Wayne County, a fact that complicated the situation somewhat. At the same election the annexation of Lincoln Park was likewise vetoed by the city electors. In 1929 the annexation of Lincoln Park was approved.

In the annexation of a so-called unincorporated territory, consent of the rest of the township of which such territory may be a part is required in one or two states. This necessitates a three-cornered vote; (1) of the territory to be annexed (2) of the city to which it is to be annexed and (3) of the rest of the township from which the territory is to be detached. This procedure is obviously impractical. The township, or rather the part of the township from which the territory is to be detached, is most frequently opposed to the proposed action because of the effect thereof upon tax ratables. Procedure of this nature was intended to be imposed by the Michigan home-rule act. Fortunately, however, for Detroit, it was faultily worded with the result that, though the remainder of the township votes on the question, its vote is counted in with the vote of the city. In other words, from a practical standpoint it does not count at all in determining the issue.

In some states, for example, Ohio, before an election is held, commissioners are appointed by both sides whose duty it is to prepare the terms of the annexation or consolidation. If no agreement is reached the county commissioners appoint an additional neutral member, and the terms of the proposal are settled by a majority of the enlarged commission. This procedure is wise for it defines the proposal and helps to dispel false claims, removes undue anxieties, and prevents exaggerated promises and irresponsible statements as to what the proposed annexation or consolidation will do.

If the vote on the annexation question is unfavorable, a resubmission of the question is generally allowed at any succeeding election. Occasionally, however, a lapse of two years is required. In some states, too, a larger number of signatures to the petition is required on resubmission.

The procedural details of voluntary annexations differ greatly in the several states. Even a cursory examination reveals many inconsistencies and unnecessary complications.

Forcible Annexation Procedure

Three types of procedure for forcible annexation or consolidation have been referred to in the foregoing pages. Under one, the legislature simply designates in the annexation act the enlarged boundaries of the city; under the second, it creates a district consisting of the city and the territory to be annexed, for the purpose of a referendum upon the question of annexation, thus assuring the city an opportunity to out-vote the annexed territory; under the third, the Ohio method applicable only to unincorporated territory, the legislature vests in the county commissioners the authority to decide, after proper hearing, whether the territory which the city desires to annex should be added. There is a special provision in some states, Pennsylvania[17] and Illinois for example, by which any territory acquired by the city for park purposes outside the limits of the city may be annexed by the city, by the passage of an ordinance to that effect. An absurd arrangement obtains in Missouri under which any municipality, except St. Louis, may annex contiguous territory by the mere passage of an ordinance. If two municipalities pass an ordinance annexing the same territory the one which passed the ordinance first is entitled to it.

The most common type of forcible procedure is that first mentioned above. Under it nearly all unincorporated territories were annexed prior to the enactment by the legislatures of general acts. It was also the procedure by which a number of the great consolidations or annexations of incorporated territories took place. It was employed in effecting the boundary extensions of the eight representative metropolitan communities listed below:[18]

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[17] *Digest of Pennsylvania Statute Law,* 1920, par. 2746.

"It shall be lawful for the cities to purchase private property for public parks, parkways and playgrounds within the corporate limits of such cities provided that where such property is outside the city, it may be annexed thereto by ordinance of said city."

[18] See Table VI.

New York City	Annexation of parts of Westchester County in	1873 and 1895
	Consolidation of Brooklyn, Queens and Richmond with New York City in	1898
Chicago	Annexations of unincorporated territory (26 square miles) in	1851-1869
Philadelphia	Consolidation (15 boroughs and districts and 13 townships) in	1854
Boston	Annexations of unincorporated territory in	1645-1855
Pittsburgh	Annexation of Borough of Northern Liberties in	1836
	Annexation of southern district (11 boroughs, etc.) in	1872
Detroit	Annexations of unincorporated territory in	1815-1906
St. Louis	Annexations of unincorporated territory in	1822, 1841, 1855
	Annexation of city of Carondelet, etc. in	1870
Baltimore	Annexations of unincorporated territory (i.e., all but the annexation of 1888) in	1745-99; 1816; 1918

The second type of forcible procedure—that by which the totals of votes cast in the annexing city and in the territory to be annexed are combined—has been used in at least three leading cases; the annexation by Pittsburgh of the so-called East End territory in 1867; the consolidation of Pittsburgh and Allegheny City in 1907; and the annexation by St. Louis of a substantial portion of St. Louis County under the scheme of city-county separation of 1876. In the consolidation of New York City, a referendum was held prior to consolidation in which the votes were counted separately for each of the five districts into which the territory was divided for the purpose of the vote, but the law (enacted in 1894) which called for the referendum specifically provided that the vote was to be considered merely "as an expression of the voters," i. e., was to have merely advisory effect. It so happened that every district voted in favor of the proposition (though in some cases, as for example, that of Brooklyn, the majority was but very slight) and the cause of the consolidationists in the legislature was greatly strengthened thereby. But even if some districts had given a majority vote against the proposal, it is still possible that the legislature would have enacted the law effecting the consolidation, anyway.[19]

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[19] For a fuller account of the consolidation see *Regional Survey of New York*. Vol. II, *Population, Land Values, and Government*, Part III.

The act authorizing the Pittsburgh consolidation of 1867 provided that the city, the borough of Lawrenceville, and a few specified towns were to constitute a district for the purpose of voting on the question of consolidation, which was to be decided by majority vote. The city and at least one ward of the borough voted favorably, but every township with the exception of one small precinct voted against the proposition. The consolidation nevertheless took effect as the majority vote of the whole district was favorable.

The act authorizing the consolidation of Pittsburgh and Allegheny City provided that the two cities should vote as one district. The vote held in 1906 resulted as follows:

	For	*Against*
Pittsburgh	31,116	5,430
Allegheny City	6,750	12,005
Total	37,686	17,435

The vote in Allegheny was 2 to 1 against consolidation. The combined vote of the two places, however, was 2 to 1 for it. Pittsburgh voted Allegheny in.

In the St. Louis annexation of 1876, the method of voting on the question was specified in a constitutional amendment which provided that the whole county should vote and the majority of the vote cast should decide the issue. The results of the election are not given separately for the city and the annexed territory. It is impossible, consequently, to tell whether the territory taken from the county and added to the city voted for or against its annexation. But the results are shown separately for the territory remaining in the county, and the vote of that territory was unfavorable.[20]

Whenever this method of voting in the aggregate is advocated, it is usually justified by the contention that the inhabitants of the territory to be combined constitute one community, despite the political boundaries which divide them and that a majority of the whole area should consequently decide the issue.

The third method of annexation—that in which the authority to add a territory to a city without the consent of the territory is delegated by the legislature to the county commissioners—is found in Ohio where it applies, as has been said, only to unincorporated areas to be annexed. The procedure is as follows: The city passes an ordinance directing the city solicitor to start proceedings before the county board for the annexation of certain territory. The solicitor accordingly makes the application; the representatives of the city and the territory involved are heard, for or against the annexation; and a decision is rendered by the board. If it decides in the affirmative, the annexation is effected although every resident of the annexed district may be opposed to it. Many annexations to Cleveland, Cincinnati, and Dayton have been brought about through this procedure. In Illinois a law of 1872 fixing the procedure of annexation provided, among other methods, for annexations at the discretion of the county court. In Chicago in 1889 one annexation involving a large unincorporated area (7 square miles) was put through in this way. Some years later, however, this law was declared unconstitutional.

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[20] *Missouri Republican*, March 6, 1887.

State and County Boundaries Cause Complications

Where a city touches upon the boundaries of a state no expansion of its limits beyond the state line is possible under state law. Thus the political boundaries of New York City, St. Louis, Cincinnati, Kansas City, and Louisville are partly controlled by state lines. Though the territory across the line is in all other respects a part of the city, it cannot be brought under its jurisdiction. Consequently, there must be a New York City and a Jersey City, a St. Louis and an East St. Louis, a Kansas City, Missouri, and a Kansas City, Kansas. To erect a single municipality covering such a metropolitan region would require the surrender by one state of a part of its territory—an act of self-denial to which it would be practically impossible to persuade any state to consent. Something in the way of harmony may be accomplished by interstate agreements such as the treaty between New York and New Jersey creating the Port of New York Authority (which is more fully discussed hereafter), but very obvious limitations exist to the extension of this method to cover the major part of a city's concerns.

County boundaries also frequently serve to disturb the political unity of a region. The legal difficulties are, of course, much less than in the case of a dividing state line, and have been met in a variety of ways. When territory lying in one county has been annexed by special legislation to a municipality in another, it has generally been provided that the annexed tract should cease to be a part of the one county and should become a part of the county in which the city is located. Thus every town annexed to Boston which at the time of its annexation lay in another county was detached from the latter and made a part of Suffolk County, which is now almost coterminous with the city. The parts of Westchester County annexed to New York in 1872 and 1895 respectively were transferred to the county of New York. The organization of Greater New York produced a more complicated situation. The existing counties of New York (Boroughs of Manhattan and Bronx[21]), Kings (Brooklyn), and Richmond (Staten Island) were included in the greater city without change of boundaries. The county of Queens was divided, the portion included within the city retaining that name and the remainder being formed into the county of Nassau.

Only a few states possess general laws with respect to situations which involve county boundaries. Such provisions as occur are of three kinds. Under one, any territory, contiguous to the city but lying in another county which votes itself into the city, thereby becomes a part of the county in which the city is located. This arrangement is found in Colorado.

Under another system a vote must be taken not only in the territory to be annexed to the city and detached from the county, but in the remainder of the county as well, and the separation from the county becomes effective only if voted on favorably in both places. This arrangement is found in the laws of Oregon and in the California constitution with respect to the consolidated city and county of San Francisco.[22] No instance was found in this study in which an annexation has been carried out under this agreement; and it is very doubtful whether there will ever be many cases. The difficulty of securing, from the portion of the county which is not to be annexed, approval of any such splitting of the county is too great, especially as the territory to be detached generally represents the most densely settled and consequently the most valuable part for tax purposes.

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[21] Bronx County was set off from New York County in 1914.

[22] The 1918 amendment to the California constitution contains a lengthy clause outlining the procedure under which territory lying in another county may be annexed to the city and county of San Francisco. Under this amendment, approval is required of (1) the whole county, (2) the whole area proposed to be annexed, (3) each incorporated city in such areas, and (4) the city of San Francisco.

In Oregon an improvement in the annexation law was recently effected at the suggestion of the Government Simplification Commission of Multnomah County by which, prior to the submission of a proposal for annexation of this nature to a vote, an agreement on the terms of annexation is to be prepared by a joint commission consisting of an equal number of representatives of each of the two counties (with the participation of a neutral member, appointed by the governor in case of a tie). A further suggestion from the same source is that to be effective the proposition be approved by at least 55 per cent of the electors voting thereon in the part of the county to be annexed and 35 per cent in the remainder of it.

Under a third arrangement any territory lying across a county line may be annexed without being detached from its original county. In this case a city may lie in two or more counties. Each county retains its jurisdiction for county purposes over its respective part of the city. The residents of each part pay their state and county taxes to the county to which they belong and use its courts and other facilities. Any case involving the city as a corporation is generally heard in the county which contains the larger part of the area or assessed valuations of the city. This scheme obtains in Ohio, Pennsylvania, Michigan, and Illinois, where annexations have been effected under it in many small cities lying on the borders of a county. Thus in Ohio there are twenty-one municipalities lying in two or more counties. One, Fostoria, lies in three counties. Bethlehem, Pennsylvania, lies in two counties. Originally incorporated in Northampton County, it expanded into Lehigh County through annexations made in 1904 and 1918, and in 1926 one-fifth of its territory was in the latter county. No large municipality, however, can be cited in which this arrangement has been adopted.[23]

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[23] Omitting, of course, Greater New York.

Still, there is no reason why it cannot be operative. It is not an ideal solution, but it may be better than the continuation of separate municipal jurisdictions because of inability to change a county boundary line. It seems to have presented no serious complications in the small cities.

CHAPTER VI

PUBLIC OPINION AS A FACTOR—TERMS OF ANNEXATION AND CONSOLIDATION

Consolidations and annexations have almost always originated in citizens' movements. Aroused by failure of the city, suburb, or metropolitan area to advance rapidly because of the limited territorial jurisdiction of the city, the inadequacies of the suburban government or the political disunity of the metropolitan area, civic leaders have launched drives to extend the city's boundaries. They have been compelled to cultivate popular support because they were seeking a far-reaching rearrangement in the political organization of the community, which naturally evoked the opposition of political influences backed by a substantial portion of the population. Enabling legislation or a local referendum, or both, being necessary, the legislature or the voters, or both, must be won over to support the proposal.

Wholesale consolidations and annexations naturally originate in the city. The city's political ambitions are a reflection of the desire of its inhabitants, and particularly of its business leaders, to achieve for themselves greater prosperity and power in the economic sphere. In order to attain this, the city must develop the region so as best to adapt it to industry, trade and habitation. The city views its suburbs as integral parts of its economic structure. Whenever the city's area becomes insufficient to enable it to control the region, and industry and people move outside its limits, it naturally considers the expansion of its boundaries and its jurisdiction. Ambitious urban interests will often favor the addition of improved and rich territories, justifying the heavier expenditures necessitated thereby as an investment which will eventually prove profitable.

More impulsive, yet probably equally effective, has been the "bigger and better" psychology which so often attends annexation movements. Newspapers and business men's associations are frequently captured by it. No statistical evidence of its influence is, of course, possible, but its tendency is to inhibit serious critical examination of annexation projects on their merits.[1]

Piecemeal annexations, on the other hand, generally originate in the suburban territory and are prompted more by local than by metropolitan considerations. Need for improvements and city services, high taxes, exhaustion of borrowing capacity, bad local government, personal political ambitions of local leaders, real estate speculations—these are the outstanding local factors prompting such annexations.

Leading the movements for large consolidations and wholesale annexations will be found prominent attorneys, bankers,[2] merchants, ministers, the chamber of commerce and other commercial and civic organizations of the city. City authorities seldom participate actively, if at all. Though generally (but not always) favoring the proposition, they refrain from working actively, lest they be suspected of selfish motives.

At the forefront of movements for small, individual annexations will be found suburban residents engaged in business or in practice of a profession in the city, local ministers who approve of the proposition from an ethical point of view, large owners of real estate and, sometimes, political leaders opposed to those in power for the time being.

Arguments Favorable to Annexation

From the point of view of the city, it is urged in favor of annexation or consolidation (1) that the territory is inhabited largely by people who work in the city or is needed to accommodate the future increase in the city's population; (2) that its annexation or consolidation with the city will enable the city to bring about a development consistent with its own development and the needs of the entire metropolitan community; (3) that it will improve the city's standing in the census; (4) that it will secure the participation in its government of the suburban dwellers who work in the city; and (5) that it will provide a broader basis of municipal financing.

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[1] In the unsuccessful campaign for city-county consolidation in Pittsburgh, size and population formed the most persistent popular argument, yet no one would seriously contend that census rating is the most important reason for metropolitan integration. It is easy, however, to minimize too much its importance. Not only prestige in commerce accompanies great size, but certain definite political advantages. Federal reserve banks were originally allotted partially at least on this basis, and the whole range of federal patronage, so important to politicians, is affected by it. So are governmental appropriations for buildings and other public works.

[2] The power now possessed by national banks to establish branch banks *within the city limits* where state laws permit state banks to set up branches may have some small influence toward annexation in the future.

From the point of view of the suburbs, it is urged that the annexation proposal will (1) secure necessary urban improvements and services which they cannot secure alone; (2) reduce taxes if they are higher in the suburb than in the city; (3) compel the extending of utility services, or enlargement and improvement of existing services and reduction in rates to the city level; (4) end incompetent or corrupt governments and local factional political fights; (5) lead to a more rapid settlement of the territory and a rise in land values; (6) bring about lower fire insurance rates; and (7) in case of unincorporated territories, secure privileges which may be lacking, such as mail delivery or express service.

To both the residents of the city and the residents of the suburbs appeal is made to support the proposition because (1) it will remove "the wholly artificial and imaginary lines" dividing them and permit them to function as one community; (2) enable them as one community to solve their common problems which they cannot solve effectively as separate units; (3) improve the civic spirit throughout the entire area of the enlarged city by substituting for the jealousies and antagonisms of various sections a community consciousness; (4) develop a greater pride in the metropolis; (5) give a spur to the activities of the people in every direction through the launching of new public improvements and commercial and industrial projects; and (6) result in a more economical and efficient government by removing duplication among offices and overhead expenses, and by making possible the various benefits of centralized control.

Arguments Unfavorable to Annexation

The opposition to annexation or consolidation is generally relatively slight in the city, but substantial in the suburbs. In the city it is led either by prominent members of the community who for various reasons think the proposal bad or by politicians who find certain features dangerous from a political point of view. In the suburbs, it is usually led by local merchants, members of the older families, local politicians, officeholders, including representatives of the locality in the legislature, would-be officeholders, and local contractors. Some suburban leaders oppose such a proposition primarily for sentimental reasons, others chiefly on economic grounds. The latter may range from considerations relating to the prosperity of the suburban community to those of a distinctly personal order.

It is argued by the opposition within the city (1) that the territory to be taken over will become a charge on the city treasury and that the city cannot afford the additional burden; (2) that the old territory of the city will be neglected because the attention of the city will be concentrated for the next few years, at least, on the development of the new; (3) that a large territory cannot be managed as well as a compact one; (4) that a large electorate cannot select its representatives as intelligently as a small one and consequently that the government of the city will become unwieldy, less responsible and less efficient than it is; and (5), appealing especially to the dominant political faction, that the political complexion of the electorate will be changed.

Opposition in a suburb about to be annexed is usually based on anticipated consequences such as the following: (1) the substitution of the incompetent or corrupt government and the low standards of service obtaining in the city, for the competent, clean government and high standards of service which have been maintained in the suburb; (2) an increase in taxes (in territories in which the taxes at the time are lower than in the city); (3) the applying, in the case of a wealthy district, of a portion of the taxes paid by it to poorer portions of the annexing city; (4) the assuming of a portion of the large debt previously incurred by the annexing city; (5) the lack of any intimate knowledge of the conditions of the suburb on the part of the city authorities; (6) the necessity of waiting its turn, as a district or ward of the city, for improvements which as an independent unit it could provide at its own discretion; (7) relative inaccessibility of city authorities or their inattentiveness to the needs of annexed territories; (8) the inapplicability of the city's general police regulations, some of which may be too restrictive and others not restrictive enough; (9) the control of the enlarged city by another political party than that which is in control in the suburb; (10) the merging of the people of the annexed area with a great cosmopolitan population largely of a different race, nationality and religion, of a lower culture, and subject to the control of undesirable politicians; (11) the loss of the name and identity of the suburb; (12) the disappearance in the annexed territory of that live community spirit and interest in local affairs essential to development and good government; (13) the introducing of an innovation which may not work as well as the existing system which has been tried and has given reasonable satisfaction; (14) where the territory happens to lie in another county, its disruption from the old county and loss of some of the county's resources.

The Bases and Relative Weights of These Arguments

Almost innumerable instances can be cited from accounts of various campaigns showing the extent to which the foregoing arguments have been employed. The campaign literature in which these arguments have been advanced is voluminous but is largely propaganda devoid of factual basis. In Chapters VII and VIII an attempt will be made to evaluate some of these arguments in the light of actual results. For the moment our discussion will be confined to the origin of some of them and the influence they have exerted in swaying public opinion. From the emphasis placed on them in the course of a campaign, it is, of course, impossible accurately to measure their relative importance in the minds of the leaders. It may be an error, for example, to conclude because more public emphasis is placed upon the argument that annexation will improve the census rating of the city than on almost any other argument, that this constitutes the real reason for the movement for annexation. The consideration which leaders give to an argument is usually in direct proportion to its popular appeal, and the actual motives which influence them are not always easy to discern. When questioned they will usually admit a desire to provide a more effective government for the metropolitan area, but comparative tests of motivating forces behind human conduct in politics are difficult to the verge of impossibility.

In order to incline favorably towards annexation, the people of the city and suburban territory must have some common background. They must have some conception, however vague, that physically, socially, and economically they constitute one community.

One of the most powerful factors tending to establish such a conception is the contiguity of city and suburbs, and the disappearance of all visible lines of demarcation between them. When the people pass daily from the city to the suburb or vice versa, and cannot tell where one ends and the other begins, there is continually presented to them a picture of the whole area as forming one physical community. They begin to think of themselves as members of that community. They begin to speak depreciatingly of the dividing political boundaries. It is significant that among the arguments in favor of annexation reference is generally found to the "wholly imaginary lines" separating the communities. Evidently repetition of this phrase tends to establish in the minds of the people the essential unity of the whole territory. It is also significant that every annexation law insists that the territory to be added to the city must be *contiguous* to the latter. No annexation of a territory which is not contiguous to the city is ever seriously proposed unless the intervening area is also in some way included in the proposal, and physical contact between the city and the territory is established. There is nothing inherently impossible in the annexation of non-contiguous territory to the city, yet this, for obvious reasons, is not considered proper.[3] Physical unity seems essential to establish in the minds of the people the conception that they are a community.

Similarity of living conditions is another factor which welds the people together. This similarity, however, obtains generally only where an attractive residential suburb immediately adjoins an equally attractive city residential section or where the suburb has become as urbanized and congested as the city.

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[3] There are examples of cities exercising jurisdiction over non-contiguous territory devoted to particular public purposes such as parks, water sheds, reservoirs, etc., but such exceptional practices do not come within the scope of this paragraph.

Efficient means of transportation and the resulting daily mingling of the people of the city and the suburban territory likewise tend to develop a feeling of solidarity. The man who lives in the suburb but works in the city develops an interest in the city and acquires to some extent a city point of view. This point of view is often submerged in him under the weight of a perhaps unconscious antagonism toward the city, which antagonism may still dominate him. Nevertheless a city point of view, though suppressed, lurks in his mind and when stimulated may rise to the surface. It is most easily aroused, of course, among those suburban dwellers who have only recently come from the city. It is for this reason that suburbs whose growth has been rapid are more easily won over to annexation than those which have had a long, slow, self-conscious development. A city man removed to the suburbs frequently continues for some time to be dominated by the city point of view. On the contrary, however, men who have deliberately sought suburban life because of their distaste for the ways of city living are often, irrespective of their time of residence, among the strongest opponents of metropolitan union.

It may be that a territory, separated from the city by miles of uninhabited land which does not lend itself well to development, is bound to the city by powerful economic ties. Inasmuch as it would not be advantageous to the city to annex much of the intervening territory, only a connecting strip is taken. Los Angeles, desiring to annex the cities of San Pedro and Wilmington twenty miles away so that she might become a port, first annexed, in 1906, a narrow strip of land but half a mile wide and twenty miles long, calling it a "shoe-string addition." Having thus established a contact with these two cities she secured their approval to annexation three years later.

Before closing the discussion of the various arguments relating to annexation, it must be noted that the big business man of the city finds himself often in a puzzling situation in determining his attitude on the question. As a business man he has a metropolitan conception of the city and favors annexation or consolidation with the city; but as a resident, which he often is, of one of the finest suburbs of the city, in which he enjoys the benefits of a government more to his liking plus low taxation, he has a sectional or "isolationist" point of view and is inclined to oppose the annexation of his particular suburb at least. The city authorities, on the other hand, are more anxious to annex the rich suburbs, which have provided themselves with major improvements and will consequently increase the net revenues of the city, than the poor or undeveloped areas which must be provided with large-scale improvements and will heighten the burdens of the city out of proportion to the revenues they will for the time being, at least, bring into the city's coffers.

Time Required to Secure Annexation or Consolidation

The opposition to annexation is often so strong that a vigorous campaign or series of campaigns extending over a period of years must be conducted before it is accomplished. Thus, for example, the consolidation of Philadelphia in 1854 was preceded by ten years of active agitation. Periodic mass meetings were held, several citizens' committees were formed, bills were introduced in almost every session of the legislature, numerous briefs on the question presented and sympathetic representatives elected, before the measure was finally adopted.

The campaign for the extension of the boundaries of Boston spanning twenty-five years, from 1850 to 1874, before it yielded substantial results. At least half a dozen legislative committees made reports on the question. Articles, briefs and pamphlets were written by a score of leading jurists and publicists of the city. Several great figures in the life of the city succeeded each other in the leadership of the movement. The first citadel to fall before the onslaught was Roxbury, which was annexed in 1868 after an agitation of exactly eighteen years. Curiously enough, the leading citizens of that suburb who opposed its annexation in 1850 appeared in favor of it in 1865.[4] Changes in the territory, which had become thoroughly urbanized, developed certain needs which only annexation could satisfy, and prompted the new attitude of mind. Next came the annexation of Dorcester in 1870, and West Roxbury, Charlestown, and Brighton in 1874. Each had something to gain from annexation.

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[4] See Governor Clifford's brief presented before the Legislative Committee of 1865.

The consolidation of Pittsburgh and Allegheny City was agitated for approximately sixty years before it was effected. The consolidation of New York City and Brooklyn also was considered for many decades before the establishment of Greater New York. Other annexations or consolidations have likewise been preceded by years of agitation. Yet on the other hand, the annexations by St. Louis in 1876, and of Chicago in 1889 were brought about after a relatively brief discussion. This is, probably, to be accounted for by the fact that the outside territory was unincorporated and comparatively sparsely settled.

Cyclical Nature of Annexation and Consolidation Movements

The process of annexation and consolidation has been an intermittent or cyclical process as may be seen from the following table of annexations in the principal metropolitan communities:

City	*Years during which annexations or consolidations occurred*
New York City	1873; 1895-1897
Chicago	1851-1853; 1865-1869; 1887-1899; 1910 to date
Philadelphia	1854; 1916
Boston	1868-1874; 1912
Pittsburgh	1867-1872; 1905-1908; 1920 to date.
Detroit	1815; 1827-1836; 1857; 1875-1879; 1885-1891; 1905-1907; 1912 to date.
St. Louis	1822; 1841; 1855; 1870-76; attempted 1926.
Cleveland	1834-36; 1850-54; 1867-73; 1890-98.
Los Angeles	1859; 1895-99; 1906 to date.
Baltimore	1745-99; 1816; 1888; 1916.
Minneapolis	1855-56; 1866-72; 1881-87;
St. Paul	1851-58; 1868
Seattle	1883; 1891-95; 1905-10
New Orleans	1839; 1852; 1874
Denver	1859; 1864-68; 1874; 1883-89; 1893-97; 1901-02.
Portland	1882-85; 1891-93; 1905-15.

The reasons that political boundaries expand at distant intervals are three. First, if annexations or consolidations have taken place on a wholesale scale the city boundaries embrace all or considerable portion of the metropolitan area at the time. Some years must, therefore, elapse before conditions which gave rise to annexation are duplicated in the area adjoining the enlarged city. Second, the movements for annexation or consolidation become especially active during those recurring periods of prosperity when industry and commerce are "booming" in the city, building operations are active, and city and suburbs are expanding. Under these circumstances, suburban governments are often unable to furnish required improvements rapidly enough, and if the city is in a position to furnish them promptly the arguments for annexation become invincible. Third, before taking in more territory the city must first develop the territory it has taken in, and this generally requires a period of years.[5]

There are new elements in the situation, however, which suggest that the cyclical rhythm of annexations may be interrupted in the future. Improved municipal services in the suburbs, consolidated schools, mutual agreements for the joint construction of public works, the automobile, the ready extension of public utilities and of retail store delivery services, the expansion of county welfare and recreation activities, and finally the emergence of "federalism" as an alternative to consolidation or annexation, all enable the suburbs to continue without annexation—often, perhaps, on cheaper terms than if they became an integral part of the big city. Moreover, if the outlying territory is unincorporated, it may be receiving considerable subsidies from the state and county governments, as aid for schools and roads, which it would lose as a part of a large municipal corporation.

The Terms—Legal and Contractual

The terms under which one unit is consolidated with or annexed to another are fixed, first, by law, and second, by special agreement between the units concerned. They most frequently relate to the disposition of the assets and liabilities of the several units, special improvements and services to be furnished in the annexed territories, together with limitations on the taxes to be paid therein, and the character and degree of representation to be granted to the annexed territory in the government of the enlarged city.

Usually consolidation or annexation results in a complete merger of property and debts, the city taking over all the properties of the added portion and assuming all its obligations. Where this is the case, the debts of the annexed district are consolidated with those of the city and the aggregate becomes a general charge upon the enlarged city.

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[5] In commenting on the results of the great annexation of 1889, Mayor Gregier of Chicago said in his annual message of April 27, 1891: "Restricted limits do not now and will not for many years to come apply to Chicago. There is abundant room for all . . . . . We have reached the limit when it will be well to defer the annexation of any more territory until ways and means can be discovered for extending necessary public improvements and building up some of the waste places of the extensive area now under municipal control."

Sometimes, though rather seldom, a different arrangement is adopted whereby the city and the territory taken over are left to bear their respective indebtednesses separately and an individual tax is levied in each to meet the debt charges for which it is responsible. This arrangement is designed to obviate the objection sometimes advanced by the residents of one of the districts that the indebtedness of the other is relatively higher than their own. It was adopted in practically every annexation effected in Pittsburgh from the middle of the past century to 1915.

The objection to a merger of debts usually comes from the small towns which have not had time yet to develop a heavy indebtedness, or whose debt, however heavy in reality, seems small in comparison with the debt of the city. It is quite customary for the opponents of annexation in such a town to cite the large debt of the city and explain the city's interest in annexation as due to a desire to transfer her indebtedness to the outside territory.

The city itself seldom urges the segregation of debts even where the indebtedness of the territories to be annexed has been incurred for unsound purposes or where its own debt situation is serious. Not infrequently, therefore, on the eve of the annexation of their community, local officials, knowing that the enlarged city will have to pay any debt they may incur, engage in an orgy of spending. When the city takes over the territory, it finds numerous debts and unpaid bills, but neither money nor assets sufficient to meet them.[6] But if a city has reached its debt limit and if the assumption by it of the indebtedness of a suburban area would only further aggravate its difficulties, it may be compelled to urge the segregation of debts.

Except in extreme situations, the segregation of debts is not necessarily equitable nor conducive to good feeling. Indeed it may be just the reverse, for the continuation of different rates of taxation as between the old city and its recent additions tends to keep the people apart. Inasmuch as the residents are constantly moving from one district to another within the same city and outsiders are constantly coming in, it may be difficult, in ten years' time, to explain the inequality in taxation. Incidentally, the arrangement also complicates the tax system. For these reasons it has in some cases been later abandoned and a consolidation of the remaining indebtedness effected.

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[6] A famous situation of this nature occurred during the consolidation of Philadelphia in 1854, and is described by Scharff and Wescott in their *History of Philadelphia,* p. 714. Striking instances of the same malpractice occurred in some recent annexations to Detroit.

This was done, for example, in Pittsburgh in 1915. As the indebtedness of Allegheny City was relatively higher than the indebtedness of Pittsburgh, a higher tax rate was levied, after annexation, in the former than in the latter. The tax rates in mills (exclusive of state, county and school rates) for 1912 and 1915 respectively were as follows:

	1912			*1915*		
	Current expenses	*Debt charges*	*Total*	*Current expenses*	*Debt charges*	*Total*
Old City of Pittsburgh	7.3	1.5	8.8	7.8	2.4	10.2
Old Allegheny	7.3	4.2	11.5	7.8	6.4	14.2

Because of her heavier indebtedness, property-owners in old Sheraden (annexed in 1907) paid in 1915 a tax rate of 17.4 mills, as contrasted with the rate of 8.8 mills payable by property-owners in the older districts of the city. On the other hand, property-owners in the former boroughs of Elliot, Espleen, Montooth and Beechview, (annexed in 1905-09) paid slightly lower rates than the property-owners in the older districts of the city.

In 1916, when the graded tax law went into effect, this inequality was abolished and the debts of the various territories within the confines of Pittsburgh were consolidated. The tax rate then became uniform for the entire city and, stated in mills, was in 1916 and 1926, respectively as follows:

	1916		*1926*	
	Land	*Buildings*	*Land*	*Buildings*
Consolidated City	12.60	10.08[a]	22.40	11.20[b]

[a] Eighty per cent of rate on land under graded tax law.
[b] Fifty per cent of rate on land under graded tax law.

Old Allegheny City and old Sheraden gained from the consolidation of the indebtedness as their tax rate (now the consolidated rate) was reduced, but in the other sections the rate was slightly increased. Since then in all annexations to Pittsburgh, the debts have been merged from the beginning.

Sometimes a middle course is adopted whereby all debts except a certain few are merged. Thus, for example, in the consolidations of Philadelphia, and of Cleveland with Ohio City in 1854, those debts caused by subscription to railroad stock were excepted from the general combination and were left to be liquidated by each territory separately.

In considering the question of the consolidation or segregation of debts, indebtedness should not be considered apart from the other benefits and responsibilities which consolidation or annexation may bring about. The question of the assumption of debts is but one element to be balanced with other factors in the situation.

In the event that the annexed territory is to be detached from another corporation, the question of division of properties and debts between the remainder of the corporation and the departing territory arises. At times it is difficult to arrive at a correct apportionment. The law frequently provides, as in Illinois for example, that the two territories are to make the division by agreement and that in the event of their failure to agree the county court shall have jurisdiction in the matter.

Obligations Assumed by the City

Assurance is sometimes given by the city to the annexed district that certain of its ordinances will not be repealed or that the operation of certain ordinances in force in the city and, in the opinion of the annexed district, unsuitable to its conditions or contrary to its ideals, will not be extended to them. Clauses giving effect to such an understanding may be inserted in the act authorizing the annexation or in the accompanying agreement sometimes provided for.

Thus, in the Baltimore annexation of 1918, it was specifically provided in the annexation act that no prior ordinance of the city prohibiting the maintenance of stockyards, soap factories, or the keeping or driving of live stock or keeping of fowls or prohibiting or regulating manufacturing or other industrial works or business existing in the territory at the time of the annexation, should apply to the new territory; that before extending its water or sewers into the new territory, the city should acquire by purchase or condemnation the properties of any company which had been supplying water or taking care of sewage; and that "no law prohibiting the sale of liquor in any part of the (annexed) territory . . . . shall be altered, amended, or repealed." Prior to the Chicago annexation of 1889, an ordinance was passed by the city council providing that the fire limits of the city as then existing should continue after annexation and exempting the territories to be annexed from the regulation prohibiting the erection of frame buildings. A clause was inserted in the consolidation act preventing the Chicago council from repealing the prohibition ordinances in force in the annexed districts except with the approval of a majority vote of the residents thereof. This gave added assurance of the continuation of prohibition in these districts as, before annexation, their own councils could repeal their prohibition ordinances at any time.

Definite assurance is sometimes also given, either in the legislative act or in the written agreement made between the city and the outside community, that in the event of its becoming a part of the city, certain improvements or services will be extended to it. Thus in the Baltimore annexation of 1888, it was specifically provided that until the year 1900, the city "shall expend within said (annexed) territory an amount at least equal to the amount of revenue derived from taxation . . . from said territory, in affording to the residents within said territory the rights and privileges accorded to and enjoyed by the residents within what are the present limits of said city;" that the board of police commissioners of the city are "hereby authorized and directed to divide . . . said territory . . . into as many police districts as they shall think best, and to appoint for each police district the same officers as they are now by law authorized to appoint for each police district in the City of Baltimore;" and that all teachers of the territories should continue to be eligible to teach without further examination. In connection with the annexations of 1918 it was provided in the act that the city should immediately increase its police force by the addition of sixty men, and in appointing men to these positions should give preference to the policemen then employed by the county.

The agreement between Cleveland and West Cleveland in 1894 provided for the immediate construction by the city in the West Cleveland territory of a brick engine house with a steam fire engine, a brick police station with at least six patrolmen and six patrol boxes, and, not later than July 1, 1896, a sewage and drainage system.[7] The annexation agreement with South Brooklyn in 1905 provided for the construction by Cleveland of a "sewer in Pearl Street of sufficient capacity to carry by inverted syphon under Big Creek Valley the sanitary sewage of the territory now comprising the village of South Brooklyn, together with the sewage of Cleveland now emptying into Big Creek." The annexation agreement with Collinwood provided for the immediate construction by Cleveland of a fully equipped fire station and a police station, the provision of city water at city rates, the extension of the city's system of garbage and refuse collection, and the construction of the Collemer Avenue improvement. Other agreements of similar nature could be cited.

Representation of the New Territory in the Government of the City

The people of an annexed territory, of course, always participate in the election of the officers of the enlarged municipality, and changes in the structure of the government are sometimes made in order to ensure the new members of the city community a reasonable degree of influence in its direction.

If the councilmen are elected by wards, the district taken into the city may be included in an existing ward or wards, or new ward lines may be drawn for the enlarged city as a whole, or a new ward or wards may be formed from the added area. Not infrequently the annexed territory is favored in the matter of ward alignments so that it is relatively more heavily represented in the city council than the older parts of the city.

Upon the consolidation of Philadelphia in 1854, the enlarged territory of the city was divided into twenty-four wards. Six of these covered the old city and eighteen the new territory. Control over the city's affairs was immediately shifted from the representatives of the old city to those of the new territory.

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[7] Texts of the annexation agreements at the Cuyahoga County Court House.

At the consolidation of Cleveland and Ohio City, in 1854, four new wards were added to Cleveland's seven to take care of the territory of Ohio City, and eight seats were allotted to the latter in the council as against fourteen to Cleveland, although on the basis of population, Ohio City was not entitled to more than one-fourth of this representation. In the several annexations to Boston the annexed territory was likewise formed into new wards and given representation in the city councils.

In St. Louis new wards with representation in the city council were created each time new territory was added to the city. The number of wards thus gradually increased from four to the present twenty-eight. In the proposal for city-county consolidation defeated in 1926, it was provided that six new wards were to be created in the county territory to be annexed, thus bringing the total number of wards to thirty-four. In this case no greater representation was offered the suburban territories than their population entitled them to.

In Chicago, until recently, new wards were created and the size of the city council increased with each substantial addition to the area of the city. The original division of the city into wards was adopted in 1837 when the city's area was increased from 2½ to 10 square miles. In the general annexation law under which the annexation of 1889 and later annexations to Chicago were effected,[8] it was provided that "whenever any territory, whole or part of any city, village or incorporated town annexed to a city of more than 30,000 population is three or more square miles in extent or contains a population of 15,000 to 25,000, then such annexed territory shall be constituted into a ward and be entitled to two aldermen in the city council and these shall be in addition to the number of aldermen theretofore required in the city, and if the annexed territory has more than 25,000 population, then it shall have two aldermen in the council for every 25,000 population and two additional ones for every fraction of 15,000 or more; and, if any annexed territory has less than 15,000 population and less than three square miles, then it shall be annexed to any adjoining ward."

In Pittsburgh in 1837, by an act of 1836, the old city of

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[8] The act is still in effect. See *Illinois Revised Statutes,* ch. 24 §211.

Pittsburgh was divided into four wards, and the borough of Northern Liberties was added to the city as the fifth ward. By an act of 1845, separate wards were decreed for each newly admitted territory, "not less in extent than one of the wards of the City of Pittsburgh and containing no less than 300 inhabitants." In this way, four new wards were created in 1846 bringing the total number up to nine, and increasing the size of the two branches of city council correspondingly. The large territories on the East Side annexed in 1868 by an act of 1867 were likewise set up as new wards, as were the eleven boroughs annexed to the city under the act of 1871. The latter act provided for the creation, immediately after the annexation, of a committee to be composed of one member from each existing ward to be appointed by the city and one member from each borough to be appointed by the borough, for the purpose of arranging the consolidated city in wards, not more than forty in number. As the size of the city council would have been too large if the former scheme of representation had been retained, the number of representatives from each ward was cut to one member in the upper chamber and two in the lower. In 1909 the city charter was amended by substituting for the old bicameral council a council of nine elected at large and abolishing wards altogether.

In cities in which the members of the city council are elected at large, as for example, Detroit and Pittsburgh, the territory added to the city may not directly as such be represented on the council. Often this is found to be an objection by a small community considering becoming part of the city. They scoff at the theory that the members of the city council elected at large represent the entire city and will give due consideration to the needs of every part of it. Recently the people of former Allegheny complained bitterly that not a single member of the Pittsburgh council hailed from their section. To appease them a promise was made that in the next election, the name of a man from the North Side would be placed on the ticket.

Promises of representation in the city government have not infrequently been made to populous territories coveted by the city. Political expediency generally requires that some recognition be given to the different sections of the city in the make-up of the general ticket. This is necessary to win elections. But promises or agreements growing out of political expediency may not satisfy a territory considering annexation. This was apparent in the recent annexation proposal in St. Louis. Although it was prescribed that nominations should be by wards with election at large, the opponents of annexation in the county territory contended that under the scheme "we would be deprived of any actual representation." A candidate may receive a majority vote of his ward on a nomination, they argued, and yet be defeated by a vote of other wards in the final election.[9]

In defense of creating new wards out of annexed territories and increasing the size of the city councils by the addition of their representatives, it may be suggested that the scheme works to allay the fears that the interests of the newer part will be submerged in the affairs of the city. It offers the new territory a means of self-expression and in a way works to preserve its individuality. From one point of view a city so organized is a federation of wards. Each new territory joins the federation as a full-fledged member entitled to one or more seats at the council table. Under these circumstances objections to a merger with the city are frequently reduced.

The people of the new territories participate in the election of the executive or, where he is chosen by the city councils, indirectly determine his selection on equal terms with the people of the older parts of the city.

Sometimes the fear is expressed by the residents of the suburban territory that under the scheme of election of the mayor at large, the candidate will generally be selected from the older parts of the city and that a resident of a newly admitted district will seldom if ever be chosen. But instances can be cited in which men from the outlying, newly annexed districts, were popularly elected to the office of mayor of the enlarged city. A conspicuous example was Gaston of Roxbury[10] who was elected mayor of Boston soon after Roxbury's annexation.

Sometimes special arrangements are made with respect to the organization of the school system of the consolidated or enlarged city. Especially interesting are the schemes adopted in the Philadelphia consolidation since they show clearly the application of the principle of federal organization. The consolidation act of 1854 provided that each ward was to constitute a school section and was to elect its own school board of twelve directors. Each board was to designate one of its members to act on the city school board, known as the "board of control." The latter, constituted of delegates of the sectional school boards, determined the number of schools, controlled expenses, appointed teachers, and exercised general superintendence. This organization was designed along the lines of the original school organization of Philadelphia established under the act of 1818.

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[9] *Statement of Opponents to Annexation, St. Louis County,* July, 1926.

[10] It is curious to note that Mayor Gaston as solicitor of Roxbury at the time opposed the annexation of Roxbury in 1850, but appeared in favor of it in 1865.

It is thus seen that a variety of arrangements are often adopted in annexation and consolidation schemes, the intent of which is to safeguard the communities concerned against their possible exploitation by each other, to distribute fairly between them the gains which may come to them from the merger, and to win adherents to the scheme in the suburban communities where opposition to it may be centered.

CHAPTER VII

RESULTS OF CONSOLIDATIONS AND ANNEXATIONS—THE SUBURBAN VIEWPOINT

As a consequence of consolidations and annexations described in the foregoing chapters, substantial portions of our metropolitan areas have been unified under a single government. An analysis of Table I shows that the metropolitan cities of today cover on the average nearly 20 per cent of the area of their respective metropolitan regions (as the United States bureau of the census has defined them), 80 per cent of their respective metropolitan populations, and somewhat more than 80 per cent of the metropolitan tax resources. Without consolidations and annexations, they would have contained today not more than 1 per cent of the area, 10 per cent of the population, and 40 per cent of the tax resources of their metropolitan districts. The present-day city would have been almost entirely outside the political limits of the central city and would have been divided into a multiplicity of independent political units. The situation would have been very much like that which obtained in London, prior to the creation of the Metropolitan Board of Works in 1855.[1]

Water Supply

One of the first activities following consolidation or annexation has been the extension of the city's water supply to new territories which have no supply or one that is inadequate or impure.

This was the case in Chicago following the annexations of 1889. In every district, city water was substituted for local supplies, and local works were scrapped. One hundred thirty-three miles of water mains were laid in the city during the first year after annexation as compared with 89 miles the year before, and four-fifths of this mileage was in the annexed territory. In that year alone $1,250,000 was spent on mains.[2]

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[1] It is interesting to note that Eli K. Price, the man responsible for the consolidation of Philadelphia in 1854, saw in the tendency towards consolidation a manifestation of American progressiveness. Speaking of what would happen to Philadelphia if it should not consolidate, he wrote (*History of the Consolidation of Philadelphia,* p. 13): "In time Philadelphia would be outside the City, as the great London is outside of the little City of London. This was an instance of English resistance of change, partaking the character of Chinese fixedness, not to be imitated by progressive Americans, who always felt themselves competent to change their laws and Constitutions as may be required by the change of circumstances, without danger to the vested rights of property, or stability of governments."

In 1892 the city completed a new intake extending four and a half miles into the lake. In addition, it undertook to build another smaller intake located in the annexed northern territory, and extending two and a half miles into the lake. Prior to its annexation, the northern district had been considering the construction of an intake, but it planned to carry it only half a mile into Lake Michigan, a distance insufficient to obtain pure water. The quantity of water pumped by the city more than doubled in the course of the four years following annexation.[3]

In Philadelphia, immediately after consolidation the water works of the city were joined with those of two or three districts which had their own supplies and water mains were rapidly extended. The following figures give some conception of the extensions made. What proportion was laid in the new territory cannot be ascertained, but it can be safely assumed that it was very large, inasmuch as the old territory was already nearly completely provided for.[4]

Year	*Feet of pipe added during the year*
1855	31,574
1856	54,879
1857	63,684
1858	72,124
1859	116,944

The extension of pipes was followed by the construction of water works on a metropolitan scale. In the sixties the walls of the old reservoir were raised and extended. In the eighties, further enlargements and improvements in the works were made. Finally, in the nineties, when Schuylkill River had become badly polluted, a shift was made to the Delaware River and a filtration plant and system of reservoirs was built at a cost of many millions of dollars. The cost of the Torresdale plant alone amounted to $28,000,000.

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[2] "The pipe extension," Mayor Cregier reported in his annual message for that year, "includes a number of large mains in different parts of the city, notably in the districts of Hyde Park, towns of Lake and Lakeview where the water supply had been deficient but is now ample and satisfactory for all domestic, manufacturing and fire purposes." The department of public works reported for that year: "Hyde Park, Lake, Lakeview and Jefferson (all annexed the previous year) have been especially benefited, Hyde Park alone having more water pipe laid in 1890 than was laid in the same year in the North and South and West divisions (the rest of the city) combined."

[3] See M. H. Putney, *Real Estate Values and Historical Notes of Chicago,* p. 113.

[4] Figures compiled from the reports of the water department, by the Philadelphia Bureau of Municipal Research.

In Boston a similar development took place. Excepting Charlestown, the territory annexed voted to join the city largely because of the need for city water. In the annexations of 1868-74, the city was able to furnish its new area with water from the large supplies developed in 1851, 1865-66, and in the early seventies. Charlestown's system was adequate but difficulty was found in meeting the expense of operation and the city therefore consolidated it with its own. Later in 1895, the city transferred its system to the state for use as a part of a supply which the state, acting as trustee for the entire metropolitan district, was to develop.[5] Hyde Park was admitted into the metropolitan system of water supply immediately upon its annexation in 1911. The water works which the town had acquired just prior to its annexation from a private company for $400,000 were scrapped although the water was of good quality.[6]

The consolidation of Cleveland and Ohio City in 1854 illustrates the benefits which the consolidation of two important communities may confer upon a whole metropolitan territory through the complete merger of their financial and physical resources. Cleveland had the funds with which to build necessary water works. Ohio City had a better location for the works. After joining the waters of the lake, the polluted waters of Cuyahoga River flowed along the shore in Cleveland's direction, rendering the lake near Ohio City relatively free from pollution. Construction of new works on the Ohio City side followed immediately upon consolidation and so the development of a great metropolitan system designed eventually to serve the entire region was begun.[7] Water is now supplied not only to the whole city but also to a considerable area outside.

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[5] Chapter 488, Laws of 1895 (Mass.) establishing Metropolitan Water District.

[6] The water question was a factor in the annexation issue. Charges of irregularities in the purchase of the Hyde Park plant were made, and the government of the town was criticized. Had she continued as an independent town and applied to the Metropolitan District for admission she would have been required to pay a substantial entrance charge. By becoming a part of the city she avoided this charge.

The extensive annexations in Pittsburgh in 1868-72 were followed immediately by construction by the city of a great water works which was completed in 1879. The present filtration plant was completed in 1900. Allegheny City was made a part of Pittsburgh in 1907 and filtered water from this supply was immediately extended to it.

In New York City, work was begun immediately after consolidation on the enlargement of the inadequate supplies of Brooklyn, Queens and Richmond, and on the formulation of plans for the construction of a new system which would serve the entire enlarged area of the city. By 1905 these plans had been worked out, authority to construct the new supply (the Catskill water system) and to borrow money outside the constitutional debt limit had been secured, and the execution of this colossal enterprise had been begun.

In Detroit, annexations have invariably brought large extensions of water mains by the city into annexed territories. The following figures of pipe laid are significant. The years 1924, 1925, and 1926 were those in which the greatest annexations in the history of the city took place:[8]

Year	*Total miles at beginning of year*	*Total miles acquired during year by annexation (laid before annexation)*	*Total miles laid during year*
1922	1474		48
1923	1522	51	95
1924	1668	11	171
1925	1850	115	182
1926	2147		231

In Los Angeles, every annexation has been followed by the introduction of city water into the new territories. The city's policy was consistently to refuse to furnish water to any territory unless the latter became a part of the city. Water is lacking in the semi-arid part of California, and must be brought from a great distance. It is not surprising, therefore, to find that most of the annexations to Los Angeles have been due to need for Los Angeles water. At the time of the annexation of the San Fernando Valley in 1915, a region of 170 square miles,[9] the city was engaged in constructing the Owens River water project. The aqueduct was to be laid through San Fernando Valley and the city needed additional consumers for its estimated surplus of water. Forseeing this, large financial interests acquired the territory, and after building roads and developing some settlements in it at their own expense, secured its annexation to the city. In the course of a few years a desert was transformed into a fertile valley settled by home-owners and small farmers.

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[7] One of the greatest works was constructed in 1904.

[8] Figures furnished by the board of water commissioners of Detroit.

The immediate financial burdens which the city, or its water enterprise, must bear because of extension of its water supply to new territory are usually heavy. Capital outlays for new mains,[10] reservoirs, purifying stations, and like additions to the plant must be made. The time when a larger supply must be provided is hastened by annexations which cause an increase in the consumption of water and a reduction in the free margin.

The new territory is not asked to pay specifically for the capital outlays thus made necessary. It is admitted to a part ownership in an enterprise developed by the energy and financial contributions of the city, without any other payment generally than the assumption of its share, based on property valuation, of the indebtedness. It may be years before the aggregate rates paid by the new district will cover its share of the cost of the system by which it benefits. In the meantime the city must finance this cost from the general revenues of the enterprise, from loans on the general credit of the city, or directly from taxation. In other words, the older territories must carry the heavy end of the burden assumed on behalf of the new addition.

Although, on account of greater elevation or greater distance from the base, the water furnished in new districts often costs the city more than water furnished in the older sections, the city generally provides it at the regular city rate. It does this even though before the consolidation or annexation it may have been selling water to the territory at a higher price, and quite regardless of the rates paid if a private company previously occupied the field. In the latter case this means frequently a substantial reduction of rates.[11]

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[9] This has been the largest single addition to any city, exclusive of the addition to New York City's territory by consolidation in 1898.

[10] In many cities the entire costs of the mains are financed by the enterprise as a whole. In some, assessments are levied on property-owners for a part of the cost of the mains.

A peculiar situation developed in Pittsburgh, and is mentioned here as indicating the complications which are frequently involved in annexations and the customary solicitude of the central city for its recently acquired outposts. Most of the Pittsburgh suburbs obtained their water from one of two water companies, and annexation did not abrogate the franchises or contracts under which the companies operated. The city could, of course, have bought out the company's rights but, according to court decisions, the city in terminating such franchises or contracts would have had to pay not only for the distributing system but also for a part of the value of the company's general plant. But it did not and Pittsburgh merely became the successor of the annexed municipality in the execution of these contracts. The rates charged by the companies to their customers, which were higher by one third at least than the city rate, therefore continued to apply after annexation. Wishing, however, to put the inhabitants of recently annexed lands on a par with the rest of its people, the city later made arrangements with the company by which the latter charges the customers the regular Pittsburgh rate and the city pays the difference. Naturally there is some feeling that this arrangement is unfair to the other districts of the city which must contribute to these payments.

The reduction in water bills following annexation[12] is a very concrete benefit which inhabitants of an annexed district readily appreciate. In more than one annexation campaign, the prospect of lower water rates has figured prominently among the considerations inducing the citizens to vote favorably on the proposition.

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[11] Cleveland, Detroit, Cincinnati and Portland are among the cities which sell water outside and charge higher rates there for it. In Portland the wholesale rates charged by the city are about double the retail rates in the city. The communities add to these rates a charge for the costs of distribution of water, which bring the final retail rate to an amount nearly three times as large as that in the city.

[12] Reduced one-third in Pittsburgh, one-half in Detroit, two-thirds in Portland.

Sewers

Property-owners in newly added territory clamor for sewers. Often the city finds it difficult to keep pace with the demand although steps are generally taken at once to expand and improve the sewerage system in the annexed areas. Generally, the city is unable to lay sewers as rapidly as water pipes, because of the greater depth at which the lines must be laid, their greater size, and the need for a more delicate adjustment of the system to the peculiar topography of the territory. The new sewers must be designed to conform to the system in the older part of the city with which they are to be connected and must be capable of extension into other new territories in the future. They must be planned as a part of a great metropolitan sewer system. Great trunk sewers must be built, existing mains relaid or replaced by new and larger ones, new outlets perhaps provided. Later, with the growth of the city, great interceptors and, finally, sewage disposal plants for the entire territory of the city must often be constructed.

The larger the area included under one jurisdiction, the more readily can the city's sewerage system be extended to an annexed district. Funds may be secured by the issuance of bonds or by resort to taxation. To cover the cost of sewer construction, especially of the smaller elements of the system, considerable use is made of special assessments. But the procedure required for authorizing and selling bonds or levying special assessments consumes a great deal of time. Two or three years or more may pass before the city is ready to go ahead with a large sewer program in newly gained territory, but its expenditures and accomplishments have generally been much greater in the end than those of which that territory, unassisted by the city, would have been capable.

The wide annexations to Chicago in 1889 were followed immediately by an enlargement of the sewer systems in the new parts. The mileage of sewers laid mounted rapidly from year to year, reaching its climax in the fifth year. The figures below tell the story.[13] Most of the new construction was in the annexed territory.

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[13] *Report of the Department of Public Works of Chicago,* 1895, p. 109.

Year	*Lineal feet of sewers added by annexation of territory*	*Lineal feet of sewers built*	*Costs of sewers added by annexation of territory*	*Costs of sewers built*
1888		104,903	$2,614,224	$ 228,561
1889	993,573	171,023		350,234
1890		379,203		826,718
1891		546,918		1,352,990
1892	96,697	549,258	172,846	1,290,017
1893		708,176		1,606,720
1894		350,944		1,014,489
1895		196,349		356,950

The extensive annexations to Boston which took place in 1868-74 were followed, not only by the enlargement of the sewer system in the acquired territories, but by the construction of an intercepting sewer, costing $4,000,000 and serving the entire consolidated area. In these annexations the sewerage question figured prominently. In fact Roxbury, Dorcester, and West Roxbury voted to annex to Boston primarily because of expected relief from an intolerable sewerage situation. This relief annexation furnished at least in part by making possible the construction of the interceptor. The necessary preliminary surveys were completed by the city in 1876, less than two years after the annexation, and the work was undertaken in 1877 and completed in 1884. Channels which for years had been clogged with sewage were cleared out and the stench which arose from the accumulation of sewage in these channels was done away with. The city and its environs became relatively healthy once more and comfortable for work and residence.[14] Charles River, it is true, was not completely cleared of sewage, and Cambridge and the other towns which did not become parts of Boston and did not join with it in the construction of the interceptor continued to discharge their sewage into the river. To solve the problem completely required the creation by the state of a metropolitan sewerage district.[15]

[14] The medical commission, appointed by the city's board of health in 1875 to investigate the question, reported in 1875 that the "filth diseases" meaning typhoid, cholera, scarlet fever, diptheria, and the like, "occasion each year the greater part of our preventable mortality" and that "the mortality of the city is largely due to preventable diseases, attributable to defective drainage." See report of the Commission, *The Sanitary Condition of Boston,* 1875, in the Massachusetts State Library.

[15] See Chapter XIV, p. 260-262.

The Philadelphia consolidation was followed by the development of a comprehensive and unified sewer system for the entire area brought under the city's control.[16] This work was crowned by the construction of two great interceptors, following the banks of the Delaware and Schuylkill Rivers for a considerable distance. It is planned eventually to extend these interceptors the whole length of these rivers within the boundaries of the city, and to construct sewage disposal plants and clear the rivers completely of the city's sewage.

Among illustrations of extensions and improvements in sewerage systems following recent consolidations or annexations, developments in the Detroit area may be cited. Large annexations during the years 1915-26 compelled the city to undertake in a relatively short space of time a tremendous program of sewer construction. Since the older parts of the city were completely sewered, the entire program pertained to new territory. It was estimated in 1926 that $5,000,000 would have to be spent by Detroit on this work during the next few years, and it was proposed to meet the cost by general taxation over a period of years. The territories which, with one exception, were unincorporated prior to annexation could not alone have undertaken such an expenditure. The annexed districts will profit by the sewage disposal plants serving the entire territory, which the city, acting under the compulsion of state and national authorities, is about to construct. They will, of course, share in the cost on the basis of assessed valuation. The figures below give an idea of the magnitude of the work of sewage extension accomplished during the first five years. It is seen from these figures that nearly two-thirds as many miles of sewers were laid during the years 1922-26 as had been laid in the entire history of the city up to that time.[17]

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[16] A uniform assessment per lineal foot of sewer was established in the city irrespective of the differences in costs of installation of the pipes in different cases. The character and authority of the department in which the responsibility for this work was vested is described in a later chapter.

[17] Figures furnished by the department of public works.

Year	*Mileage of sewers at beginning of year*	*Miles added during the year*
1922	1170.4	177.2
1923	1347.6	131.2
1924	1478.8	114.9
1925	1593.7	143.8
1926	1737.5	150.1

As in the case of other public works developments discussed in this and other chapters, it is not implied that if there had been no annexation nothing would have been accomplished. In that event some other device would have been created. If the problem had related to sewers only, specially organized sewer districts might have served. But in most cases the situation was complicated by other factors which suggested annexation as a simple and direct method of attack; and results, on the whole, justified this procedure.

Street Paving

The laying of water mains and sewers after annexation or consolidation has generally been accompanied or followed by activity in street paving in the new territory. However, this activity usually gets under way more slowly than in the case of water and sewers. In the first place, a street is really in a position to be paved only after all the service pipes—water, sewer, etc.—have been put in the ground. Secondly, time must elapse between the laying of these pipes and the work of paving in order to permit the ground to become settled. On the other hand, many owners of property are anxious to have their streets paved quickly, for paved streets attract business and make property more saleable. It is only the home-owners and the proprietors of large estates held for long-time increases in value who shrink from paying their part of the cost through special assessment. The demand for pavements, therefore, is soon felt and is usually responded to as rapidly as physical and financial conditions permit.

Turning again to the extensive annexations by Chicago in 1889, it was reported at the time [18] that 224 miles of new pavement were laid in 1889 and 1890, which was 33 per cent of all the paved streets of the enlarged city. At the same time much of the old pavement was relaid; and 433 miles of sidewalks were paved in

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[18] Annual message of Mayor Cregier for the year 1890.

1890 as against only 199 miles the previous year. The annual additions to mileage of paved streets during the two years prior to annexation and the several years subsequent to it are shown in the following table.[19] The bulk of the new pavement laid in 1889 and afterward was in the annexed territory.

Year	*Miles of streets in annexed territories paved prior to annexation*	*Miles of streets paved during the year (new pavement)*
1887		36.7
1888		54.3
1889	146.5	107.7
1890		99.7
1891		117.6
1892		108.0
1893	6.9	137.5
1894		92.0
1895		47.7

Detroit and Cleveland present interesting illustrations of similar developments in recent times. The figures below show the increase in the mileage of paved streets during the past few years in Detroit.[20]

Year	*Total miles of paving in the city at beginning of year*	*Miles of paving added by annexation*	*Miles of new paving added during the year*
1922	788.46	3.0	38.72
1923	827.18	0.0	47.02
1924	874.30	12.0	72.05
1925	946.35	22.0	118.00
1926	1,064.35	0.0	149.60
1927	1,213.95		

In Cleveland, in the West Park district annexed to the city in 1923, fifty streets representing 219,595 square yards of surface were paved during 1925, at a cost of $1,176,321, which represented twice as great a volume of pavement as that laid during the years 1921 and 1922 when West Park was a separate municipality.[21]

In most of the large cities of this country some part of the costs of paving is met by general taxation or general borrowing and the old territory of the city contributes consequently to the costs of paving the new territory.

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[19] Excerpted from the *Report of the Department of Public Works of Chicago for the year 1895,* p. 147.

[20] Figures furnished by the department of public works.

[21] *Cleveland Plain Dealer,* December 15, 1925. Article by P. W. Porter, *West Park Points to Benefits that Annexation Gives.*

Street Lighting

Extension of street lighting generally accompanies or follows the other improvements described. As service of this nature is usually furnished by private companies under contract with the city, its extension becomes contingent not only upon the willingness of the city to pay for additional lighting, but also upon the ability and willingness of the company to supply service. It is a relatively easy matter for the company to provide new lights in territories in which it already has its lines, but it is not easy for it to do so where it must provide new lines. Although a private utility is generally willing to make extensions which promise to be profitable, in many states it can be compelled by the public utilities commission to serve new territory if the facts justify.

The great Philadelphia consolidation was followed immediately by the purchase by the city of all but one of the several independent gas companies which supplied some of the new districts; consolidation of the works acquired with the city's own municipal works which had been in operation for some years; the enlargement of the consolidated plant; and finally, four years later, by a rapid extension of gas pipes and increase in the number of both public and private lights in the new territory. The purchase of the other company and the improvement of the consolidated plant was accomplished with the aid of a special loan of $500,000 authorized for the purpose by the Consolidation Act. The increase in the number of street lights is shown in the following table.[22]

	Number of public lights		
Year	*New lights added*	*Added by consolidation*	*Total at end of year*
1854	27		1,955
1855	86	1308	3,349
1856	84		3.433
1857	68		3,501
1858	31	558[a]	4,090
1859	512	477[a]	5,079
1860	522		5,601

[a] Works of private companies purchased.

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[22] Compiled by C. A. Howland of the Philadelphia Bureau of Municipal Research from the *Forty-Fourth Annual Report of the Trustees of Philadelphia Gas Works.*

In Chicago at the time of the annexation of 1889, Hyde Park, Lake, Jefferson, and Cicero still were lighted by kerosene lamps.[23] Shortly thereafter the gas companies began to extend lines into the annexed territories which were building up rapidly and creating new customers for them. A year or two later the city secured a substantial reduction in the rates. This reduction tended to increase the demand for gas, and caused the extension of mains to meet the increased demand. The city substituted gas for kerosene street lamps.

In New York City work was started in 1904 to relight the city with electric light—a task which involved the installation of new lamp posts, and reorganization of the entire service. During the first year the work was confined to Manhattan and the Bronx; during the second (1905), it was extended to Brooklyn; during the third, to Queens and Richmond. At the end of five years, in March, 1909, Mayor McClellan was able to report in his annual message that the department of water supply, gas and electricity "has practically relighted the city." Whether relighting of the new territory would have proceeded as rapidly had the latter not been consolidated with the city is problematical.

In the West Park district of Cleveland, the number of street lights was almost doubled in the two years following its annexation.[24]

It should be noted that while the extension of lines and improvements in plant may be financed by the private companies which furnish the electric light, the city frequently must finance by general taxation a part if not all of the cost of erection of lights, besides paying the annual charge for keeping them lighted. Special assessments are used sparingly, and then often only for a part of the cost. The old territory of the city, therefore, as a rule contributes to the costs of lighting new territory, the amount of its contribution depending on the proportion of lighting costs and the proportion of assessed valuation in the annexed district.

City Planning

Inasmuch as a city enlarged by annexation forms a single jurisdiction, an opportunity for a consistent treatment of street layout and construction presents itself. That more has not been accomplished in this respect is because, until recently, intelligent notions of city planning have rarely been a characteristic of our governing bodies. Usually the general street scheme of the city has been extended to the annexed districts, unless existing streets and vested property rights prevented. From time to time also, thoroughfare streets and boulevards, which would have been impossible, or at best almost prohibitively difficult, if the city had remained within its original limits, have been planned and executed.

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[23] *See Annual Report of the Department of Public Works of Chicago for 1890,* p. 276.

[24] Six hundred lights as against 345; *Cleveland Plain Dealer,* December 15, 1925.

A fair illustration of street development following consolidation is found in Philadelphia. The city proceeded with the improvement of the great radial highways,[25] along which lay the various communities just brought into the city. Some of these highways dated back to the days of the first settlements. In this way the various parts of the territory were brought closer together and a basic system of great metropolitan thoroughfares was preserved for the future. A glance at the map of Philadelphia today shows a layout of streets in many sections contrary to the basic plan of the city. But these incongruities can be traced to the times preceding consolidation. One may more reasonably complain of the completeness with which Penn's rectangular block system has been applied than of departures from it.

A striking example of a project of metropolitan significance quite impossible for the original Philadelphia is found in the famous Fairmount Parkway—one of the largest single street improvements in history—which has cost the city from twenty-five to thirty million dollars, and has benefited the entire metropolitan area.

Similar developments could be pointed out in Chicago, St. Louis, and other large cities. The reconstruction of the anatomy of Chicago, involving expenditures of many millions of dollars,[26] can be traced in the final analysis to the great annexations of 1889. These rendered the city financially able to execute extensive public works and stimulated its ambition to undertake them. The World's Exposition, held shortly after Chicago's boundary extension, demonstrated to her people for the first time what could be accomplished by large-scale planning.

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[25] Kensington Avenue and Frankford Road to the northeast; Germantown Avenue, to the north and northwest; Ridge Avenue, northwest; Lancaster Avenue, west and northwest; Woodlawn, Passayunk and Moyamensing Avenues—southwest.

[26] Michigan Boulevard, Wacker Drive, river front improvements, the great street-widening program in the heart of the city, the great terminal improvements, etc.

In 1876 when the boundaries of St. Louis were greatly enlarged, a clause was inserted in the charter providing that no street could be opened except in conformity with existing streets, and that streets running east and west should not be less than 220 feet apart and those running south and north not less than 500 feet apart. This provision tended to prevent unnecessary street openings and to "defeat all attempts at cutting up lands for the convenience of property-owners and creating unnecessary corner lots."[27] At the same time the responsibility for all public improvement work was conferred upon a new body—a board of public improvements, composed of the city engineer as president, and the heads of the departments of streets, water, sewers, harbor, and parks. The recommendation of this board was necessary before any ordinance involving the expenditure of money for any public works could be passed. Thus complete authority over these basic works was taken from the committees of the councils and to some extent removed from ward politics.

In Cleveland the development of the wide metropolitan thoroughfares which distinguish it among metropolitan cities has been intimately associated with the extension of the boundaries of the city. Thus Superior Street—one of the widest streets in America—extended at first only to Erie Street, the boundary of the original village, but after each successive large annexation this street was continued to the new city limits. Prospect Street, originally laid out in 1831, was likewise extended, step by step, as the boundaries of the city were pushed further out. Euclid Avenue (originally known as Buffalo Road) was likewise paved for a longer distance every time territory was annexed.[28] In Pittsburgh, Forbes Street, a principal metropolitan thoroughfare, was laid out in the territories annexed in 1868 immediately

[27] *St. Louis Globe Democrat,* August 6, 1876.

[28] Orth. *History of Cleveland,* p. 53.

following their annexation, "making an additional avenue to the Eastern Suburbs."[29]

Nowadays, when city planning has become widely recognized and its technique greatly improved, the opportunity for comprehensive planning which annexations afford render this method of meeting metropolitan needs, where it is feasible, more advantageous than ever before.

Bridges, Viaducts and Tunnels

Annexation has often been followed by activity in the construction of bridges, viaducts, and tunnels, which bind more closely the various parts of the metropolitan territory brought under the city's control.

Following consolidation in Philadelphia, agitation was begun for bridges over the Schuylkill River to tie the main body of the city with its western section. But no immediate results were produced and the first three bridges were not built until twenty years or more later. This delay was occasioned by the depleted condition of the treasury (due to mismanagement of the old city and of the several independent municipalities prior to consolidation), the severe business crisis of 1857, and, finally the Civil War. The year of construction and the cost of each bridge appear in the following table:[30]

Bridge	*Year*	*Cost*
Chestnut Street Bridge	1864	$ 575,000
Girard Avenue Bridge over Schuylkill	1875	1,535,000
Fairmount Bridge over Schuylkill	1876	2,500,000
South Street Bridge over Schuylkill	1875–78	1,200,000
Penrose Ferry Bridge over Schuylkill	1877	375,000
Walnut Street Bridge over Schuylkill	1889–92	950,000
Walnut Street Bridge over Schuylkill	1887	800,000
Gray's Ferry Bridge over Schuylkill	1896	525,000

In Boston, the annexation of Charlestown in 1874 was followed in 1883 by the Warren Bridge, costing a million and a half dollars, and in 1899 by the Charlestown Bridge. Charlestown's expectation that Boston would provide it with a new bridge in place of the one that was inadequate and rotten, if it became a part of the city, was thus realized. This expectation figured prominently in the agitation for annexation.

[29] Killikelly. *History of Pittsburgh,* p. 220-21.

[30] Compiled from the magazine *Philadelphia* for May, 1910.

At the time of consolidation, Cleveland and Ohio City were joined by one small bridge. Immediately after the consolidation of 1855-56, two new bridges were built by the city[31] and agitation was begun for the construction of a great viaduct over the valley between the two districts. The Civil War delayed the project, but as soon as peace was restored agitation was renewed. Authority to build the viaduct was secured in 1872 and the work was completed in 1878. It was 3,211 feet long and cost $2,170,000, and its opening was appropriately celebrated. A leading citizen from the east side and one from the west "met at the middle of the Superior Viaduct draw and clasped hands in token of united Cleveland."

After some years of agitation, the large annexations to the south of Cleveland were followed by the construction of the Central Viaduct, which provided better access from and to the city. It was completed in 1888 at a cost of $885,000.[32] From time to time other great viaducts and bridges have been built, linking together the various parts of the metropolitan territory under the city's control. Special mention may be made of the Brooklyn-Brighton bridge connecting the Brooklyn and South Brooklyn districts of the city and completed in 1916 at a cost of $800,000 and the new High Level Bridge a mile long, completed in 1917 at a cost of $5,284,000.

In New York City, the annexation of the Bronx was followed by the construction by the city of a number of bridges over the Harlem River. The merger of Brooklyn, Queens and Richmond with the city was also followed by the Williamsburgh, Manhattan and Queensboro bridges, which cost many millions of dollars. The first of these was opened in 1903 and the other two in 1909. These bridges made possible a large exodus of population from Manhattan into these boroughs, and the rapid transformation of Brooklyn from a "city of homes" into a borough of industries. Brooklyn had contended for years, prior to consolidation, for a new means of access to Manhattan, but was never able before to secure it. In less than six years there was also installed a high-speed municipal ferry service to Staten Island at a fare of five cents, a rate designedly fixed below cost—a service which induced many people, particularly those of small means, to settle on this island.

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[31] Robinson in his *History of Cleveland,* published in 1888, says on p. 64: "In pursuance of the agreement of annexation (consolidation) the city very soon thereafter built the Main Street Bridge, rebuilt Center Street Bridge and constructed a new bridge at the foot of Seneca Street Hill—all of which facilitated greatly the intercourse between the respective sides of the river and for that time were deemed adequate to public necessity."

Avery (*History of Cleveland,* p. 454) relates the construction in 1855-56 of the bridges at the foot of Division and Light House Streets which were later replaced by iron bridges by the city.

[32] See Orth's *History of Cleveland.*

In Portland, the consolidation of 1891 was followed immediately by the purchase by the city of the several bridges over the Willamette River and the ferries operating on the river, the abolishing of tolls, and the replacing of one of these bridges.[33] This was in accordance with the promise made to the citizens of East Portland and Albina during the consolidation agitation, a promise which was largely responsible for the favorable vote of the citizens of these municipalities.

Illustrations of this nature could be multiplied in every instance. The costs of the bridges built or purchased were met by the city as a whole, the burden falling, naturally, largely upon the older and wealthier parts thereof.

Parks

An expansion of the boundaries of a city is frequently followed by the development of a comprehensive park system, or where such a park system is already in existence, by its further enlargement. For obvious reasons the new parks are generally located in the annexed districts. There can be no doubt that their establishment benefits these districts greatly.

Mention should be made of Philadelphia's park system, particularly the famous Fairmount Park, the development of which really began only after the consolidation. Prior to that time it embraced but a small area known as the "reservoir grounds," and was closed to the people. Its definite recognition as a park site began in 1857 when a group of wealthy citizens donated the so-called Sedgeley Estate. In 1861 this was followed by purchase by the city, in response to a popular demand, of the Lansdowne

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[33] Madison Bridge and Albian Ferry purchased in 1891-92, Burnside Bridge purchased in 1893-94; Morrison Street Bridge and Stark Street Ferry purchased in 1894-95. All were made free upon purchase. Bonds to the amount of $750,000 were issued for the purpose.

Estate, and finally in 1865, by the opening of the grounds to the public. In 1867 a law was passed creating a special park commission ten members of which are appointed by the courts and five serve ex officio. The magnificent dimensions and charming character which this park assumed under the management of that commission require no comment. This one achievement justified the contention of the memorialists of 1851 as to what united effort could accomplish.[34]

Another instance in point is Boston. There the park movement took definite shape in 1869, a year after the annexation of Roxbury. Including the Common its total park area at that time amounted to 115 acres, or less than one-fifth of a square mile. The citizens had before them the examples of New York City and Philadelphia where the newly established parks were not only accomplishing much for recreation, but also were apparently paying for themselves in increased property values and tax revenues for the city. Accordingly an agitation was begun which extended over eight years. Many briefs were prepared, bills introduced, hearings held, investigations made. Because of the fear of the large expenditures which it involved, the project was stoutly opposed, but finally in 1877 the development of a great park system, under the guiding hand of F. L. Olmsted, Sr., was undertaken. The annexations effected in 1870 and 1874 facilitated this work. However, they were not sufficiently comprehensive to preclude the eventual necessity of creating the Metropolitan Park Commission (1893) which proceeded to develop a magnificent metropolitan park system in the cities and towns surrounding Boston.

Similarly there is an intimate connection between the boundary extensions of the seventies and the development of the great park system of St. Louis.

In the three above instances the new parks were located entirely in territory newly acquired by the city and greatly benefited the owners of property therein.

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[34] "While enjoying the blessings of peace and prosperity the united capital and energy of one people can accomplish much more in the promotion of science and the arts, in the extension of internal improvements in the establishment of charities and the adornment of the city . . . . than if the same people were separated from each other by distinct municipal governments." From a Memorial submitted to the Legislature of Pennsylvania in 1851.

Metropolitan Transportation

One of the outstanding results of annexations has been improved transportation. The unification of the franchise-granting power throughout the enlarged boundaries of the city facilitates negotiations with transportation companies and tends to concentrate the service in one agency. This has led to the extension or improvement of transportation facilities in the new territory and, in time, to a comprehensive and unified transportation system within the enlarged area of the city. A further consequence has usually been the establishment of a uniform fare throughout the whole city and corresponding reductions in the fares formerly paid by passengers in the annexed districts.

Such were the results, for example, in Chicago after the annexation of 1889. At the time of the annexation, the elevated companies, which had been organized but a short time before, were about to begin the construction of an elevated railroad. Their franchise permitted them to build to the city limits, which at that time extended to the south only as far as Thirty-ninth Street. With the enlargement of the city limits they were allowed to build for a distance more than three times as great. The company which held the franchise for the line to the south at once amended its plans and projected its tracks as far as Jackson Park in the annexed Hyde Park territory. The line was opened for travel in the summer of 1892. Contemporaneously with this development, franchises were granted by the city to other newly organized companies to build two other elevated lines. One franchise extended to the new northern limits of the city, i. e., as far as Evanston—a distance several times as great as that to the old limits. The other authorized building to the western limits and the construction of the famous loop in the downtown district. The larger portions of these routes were completed by 1894. Thus in less than five years, much of the territory added to the city was provided with rapid transit at a five-cent rate. What this meant to the development of the city and particularly to its newly annexed territories is obvious.

The consolidation of New York in 1898 was immediately followed by construction by the city of the great metropolitan or "Interborough" subway system, which linked Brooklyn, Bronx, and, in time, Queens with Manhattan, and brought about an exodus of population from Manhattan into these other boroughs and their rapid settlement and development.[35] Private enterprise did not dare to undertake this project, fearing that it would not pay, but the consolidated city undertook it without misgivings, viewing it as necessary for the convenience of the people and the development of the outlying territory whatever its costs.

The benefits, in the way of transportation, received by a minor territory annexed to a city can well be exemplified by two instances: those of the West Park territory in Cleveland and the Hyde Park district in Boston. In the first instance the fare was reduced first from ten cents to nine cents, and three years later, to the regular city rate.[36] Furthermore the service was improved, the cars running twice as often in 1926 as in 1922 prior to the annexation.[37] The inhabitants of Hyde Park received the benefits of a single fare of ten cents in place of a double fare, as a result of their annexation to Boston in 1911.

Such extensions of rapid transit or street car lines, improvements in service, and reductions in fares have been financed from the receipts of the system as a whole or, as in New York City, in part by taxes paid by the inhabitants of the whole city. The traffic furnished by the new territories is generally not sufficiently heavy at the regular city fare to provide an income sufficient to cover the capital charges and maintenance costs of the lines which serve them. With respect to New York, the figures recently prepared by the Interborough Rapid Transit Company and the Brooklyn Manhattan Transit show that only the lines located in the central parts of the city on which the trains run well filled with people the whole day are profitable to the companies. Except during the morning and evening rush hours they lose money on the lines farther out on which the traffic is light. Thus subways have been constructed and maintained in the annexed territory in part at Manhattan's expense.

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[35] The plans of a Brooklyn-Manhattan-Bronx subway (involving the construction of under-river tunnels) were completed in 1902; the Manhattan-Bronx line was opened for travel in 1904; the extension to Borough Hall was made in Brooklyn in 1908; and that to Queens in 1915.

[36] The desire to secure the benefits of a city fare was prominent in the annexation agitation. It was not realized, however, that no such reduction could be had until the franchise of the company was amended. Only a reduction of one cent could be secured and the people of West Park were disappointed when they found this out. Finally, however, in 1926, when a comprehensive revision of the franchise was drawn by the city, the suburbs, and the company, West Park became a beneficiary of the city fare.

[37] *Cleveland Plain Dealer,* December 25, 1925.

Police Protection

The consolidations of Philadelphia, New Orleans, and Denver which took place in the fifties were followed immediately by improvement in police protection. In each instance, prior to consolidation, there had been an almost complete breakdown of the police. In the Philadelphia districts—where riots springing from social and religious antagonisms were particularly violent in 1835, 1844, and 1849—the police, organized in seven or more independent police departments and unable to function as a unit, proved unequal to the situation.[38]

The so-called "Spanish riot" which took place in New Orleans in 1851 showed the people, as the historian of New Orleans writes, the impossibility of handling the police force in emergency, when divided and scattered over three separate independent corporations.[39]

Disorders of various kinds reigned in Denver, Aurora, and Highlands in 1859-60 and vigilance committees had to be organized to suppress them as the ordinary machinery of government of the three municipalities failed to function.[40]

The daily work of enforcing peace and order was also performed poorly in all these cities. This was due not only to the inability of the police, divided as they were into several independent departments, to function as a unit but also to the great variations in the regulations governing the conduct of citizens in the several districts.

In the above three cases, consolidation had a salutary effect on the police systems of the enlarged areas as a whole. In both Philadelphia and New Orleans the direction of the consolidated police force was vested by the consolidation act directly in the mayor of the city, who was made ex officio head of police. The appointment of the superintendent of police was taken out of the hands of the councils and vested in him.

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[38] See *Memorial in Favor of Consolidation,* 1850, in The Library Company of Philadelphia.

[39] Kendall, J. S., *History of New Orleans,* p. 172; also White, M. J.: New Orleans' Riot of 1851—Its Causes and Its International Significance. *Tulane Graduates' Magazine,* April, 1914.

[40] King, Clyde L., *History of the Government of Denver,* p. 21-23.

Among the improvements in police administration in Philadelphia immediately after consolidation, appear the redistricting of the territory and redistribution of police stations and patrols according to the needs of the respective districts, the establishing of a reserve force of fifty men available for emergencies in any part of the city, a detective force, and a police telegraph and fire-alarm system.[41] Much of the outlying territory had not before enjoyed municipal police protection. To patrol these extensive areas was a difficult matter. Repeated complaints were made by the city that "details of men are constantly required for localities paying scarcely any police tax proper.[42]

That these improvements in Philadelphia were directly due to consolidation or were at least greatly facilitated by it is clear. Immediately after consolidation, the police force was reduced from 850 to 650 men, as a part of a program of economy, and it is significant that the city managed to get along with this reduced force for the next ten years or more (1855-66) despite the growth in population, the demands of the people for greater police protection, and the added duties of policemen. Among the new functions imposed upon the force was that of enforcing the law regulating the sale of liquor in saloons and other places, a duty imposed in 1855 pursuant to the consolidation act. Despite its smaller size the consolidated police force was more efficient than had been the aggregate of the several independent forces of preconsolidation days. The enactment of comprehensive police ordinances applying uniformly, or at least with due discrimination, to the various districts of the city, also helped to secure a more effective enforcement of law and order.

Generally, consolidations and annexations have been followed by improvements in police protection in annexed territories. Thus in Chicago, seven new police stations were built in 1890 within the districts annexed the year before, the police force in these districts was increased,[43] and a certain number of the force in them were mounted in order to enable them more efficiently to cover the large territory subject to patrol duty. The results of the experiment with mounted police provided satisfactory, the mayor promising in his message, at the close of the year 1889, to extend them further "if the means at hand will admit."

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[41] The data in this account are excerpted from the annual message of the mayor and reports of the police department for the years following consolidation.

[42] For example, see *Annual Message of the Mayor of Philadelphia,* January 8, 1857.

Recent experiences in Detroit and Cleveland demonstrate the improvements in police protection which annexations may bring to new added districts. In the territory annexed to Detroit in 1925, the police force was increased in one year, according to the chief of police of that city, from four to twenty-seven men; the town hall in the village was converted into a police station, a police booth with two men in it was established in another part of the territory, and an automobile patrol with two scout cars was provided. In Cleveland, in the West Park district annexed in 1923, the police force was increased from thirteen men (two sergeants and eleven patrolmen) before annexation to twenty-seven men (three lieutenants, three sergeants and twenty-one patrolmen) three years later.[44]

Fire Protection

Considerable evidence exists that substantial improvement in fire protection for the city as a whole and particularly for the newly annexed districts has followed annexation. Thus in Philadelphia the various volunteer companies, which theretofore belonged to separate municipalities or districts, were joined in one consolidated fire department and brought under one authority. An end was put to the rioting which had frequently occurred whenever a large fire brought together two or more companies from different municipalities.[45] A fire-alarm telegraph system was established a year after consolidation, and three or four years later, in 1859, the first steam engine was introduced.

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[43] *Annual report of the Chicago Police Department for 1890.* Also, Moses and Kirkland, *History of Chicago,* p. 265.

[44] *Cleveland Plain Dealer,* December 15, 1925.

[45] See Allinson and Penrose, *op. cit.,* p. 89.

In Chicago where the suburbs at the time of their annexation in 1889 suffered under poor fire protection (Hyde Park with its forty-eight square miles, for example, having only three fire engines) great improvements were immediately introduced. In 1890 sixteen new companies were formed by the city and the fire-alarm system with fire-alarm boxes was extended throughout the annexed territory, the wires being carried as far south as Pullman.

In Detroit the city provided in its 1926 and 1927 budgets for two fire companies of eight men each to take the place of the former volunteer fire department, in the territory annexed in 1925 and 1926; for new equipment to be substituted for obsolete equipment; for the reconstruction of the building used, theretofore, jointly by the police and fire departments into a building to be occupied entirely by the fire department; for the acquisition of a new engine with double the capacity of the old, and a new truck; for the erection of a number of fire hydrants; and for the extension of the fire-alarm system throughout the territory.

In the case of West Park, Cleveland, already frequently referred to, the city increased the number of fire companies from one to three within three years after the annexation. The number of firemen, including captains, lieutenants and engineers, was increased from twelve to forty-seven.[46]

Schools

The consequences of annexation with respect to public education in the annexed territories cannot be as easily ascertained as in the case of the other facilities already described. In part the reason lies in the fact that many different elements are involved, such as different types of education provided, character of the plant, teachers, and curriculum, and size of classes. It is impossible to reduce these various elements to any common denominator. Only a painstaking inquiry beyond the scope of this study could produce conclusive evidence as to the effect of annexation upon education in the territories affected.

In general, hovever, it may be observed that comparatively small units of government have proved their ability to supply their people with excellent schools. The schools of the large cities are neither the best nor the worst in the land. The addition of a large area to the city usually produces uniformity in educational facilities throughout the area. Had the area not been incorporated in the city the situation would be that which is observable in districts immediately outside cities today; viz., excellent schools, often superior to those of the great city, in certain favored suburbs, and poor schools in unincorporated districts or financially weak suburban municipalities.

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[46] *Cleveland Plain Dealer,* December 15, 1925, p. 14.

The case of Brooklyn affords an illustration of an improvement in the school plant as a result of annexation. During the years immediately before consolidation, the schools of Brooklyn were badly congested. Thousands of children were refused admission annually, and thousands were admitted only on half time. The city was building new schools but not of sufficient capacity and not in sufficient numbers to enable it to catch up with the growing demand for accommodation. It was up against a debt limit and a tax limit and could not raise funds for more extensive construction. The situation, as shown in the annual reports of the board of education, was growing worse every year. Immediately after consolidation, the new city undertook to supply Brooklyn with new schools on a large scale; more than twice as many seats were provided her in the decade following consolidation as during the previous decade (136,000 as against 60,117), and more than four times as much money was spent ($17,811,000 for construction only, as against $5,159,998 for construction, land, and other expense). Congestion was eliminated, and the territory provided with a large new plant.

Street Cleaning and Garbage Removal

The city's street-cleaning and garbage-removal service is generally extended to its newly acquired sections as soon as a substantial number of homes are built therein. Of course refuse collection in sparsely settled districts does not need to be as frequent as in districts densely settled.

In commenting on criticism advanced in 1903 in some quarters of New York City of the large increases in expenditures for street cleaning in the territories newly added to it, Lawson Purdy, then president of New York City tax board, wrote:[47]

> Our expenditures for street cleaning almost doubled when Colonel Waring demanded enough money really to clean the streets of New York. Those who can remember the days of the old Broadway stages will recall the mud and slush on Broadway which was usually ankle deep in the winter months. When it was once realized what it meant to have the streets cleaned, no one would have consented or would now consent to return to the old conditions. Can we wonder that all the boroughs demand at least as good service as Manhattan has known since 1894? While other causes may have been at work, the cleaning of the streets must have had some part in the reduction of the death rate in the old city of New York from 1893 to 1897 by over 20 per cent.

Public Health

It is more difficult to measure the extension of public health service to the newly absorbed territories of a city than it is with respect to police and fire protection because, even in the largest cities, the force engaged in health work is not locally distributed as are policemen and firemen. Health remains in general a centralized function, with clinics and stations distributed locally as a matter of convenience but on no such thoroughgoing system as are police and fire stations. It may be taken for granted, however, that from the time of annexation the public health service of the city is applied to its whole area. Not the least advantage, from both the local and general city points of view, is to be found in the control of sources of disease previously neglected in outlying districts.

It is impossible to review in detail the extension of the city's health activities in territories newly absorbed, as these activities are generally quite involved and, at least in some of their phases, somewhat intangible.

An excellent example of the extension of health service with local features is to be found in the territories annexed to Detroit in 1925 and 1926. Within one year the city established in the principal suburban center of the territory, formerly known as Redford Village, a clinic with child welfare, prenatal, tuberculosis and contagious disease departments and attended by three part-time doctors and six nurses. Quarantine work was included among the tasks of the clinic. At the same time a clinic in another smaller suburban center, formerly known as Strathmore, was established. Except that it lacked a tuberculosis department, this clinic was in all respects but one the same as the other. Tubercular patients were to be referred to the other clinic. The city contemplated also the establishment in the territory of a portable health clinic which could be moved from place to place for treatment and instruction, those needing greater care being referred to the regular clinics.[48]

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[47] Letter in *New York Times* of November 22, 1908.

Miscellaneous Public Utility Services

The services furnished to residents and to the suburban governments by public utility companies, such as gas, electric light and telephone, are vitally affected by consolidations and annexations. As in the case of street railways, the franchise-granting power is consolidated under the enlarged city as a whole. Important changes in existing franchises have been secured by the city through negotiations with the companies, with a view to putting the service on a broader basis and equalizing the rates charged throughout its area. Wherever possible, existing franchises are extended to include service in the new territories on the same terms as apply to the services in the old, and in all new franchises the new districts are treated on a par with the old. Other things being equal the new territories ultimately secure lower rates and more favorable terms than those they had received or probably could have secured by themselves. In later days the rise of state regulation of public utilities has considerably diminished the importance of franchises. Now the small city may apply to the state utilities commission just as successfully as a large one. Nevertheless, there is still some real advantage in unification of franchise-granting power.

In Chicago, where at the time of the great annexation the rates for gas in the suburbs were from fifty to a hundred per cent higher than in the city,[49] negotiations were at once begun for a reduction and equalization of these rates. An agreement was arrived at with the companies by which the rates were made uniform throughout the entire enlarged territory of the city and the rate differentials between household and public users abolished. In the course of the negotiations the city succeeded in securing a reduction in the rates. This was accomplished within a few months following annexation.[50] Such public utility services are extended, as a rule, very rapidly following annexation. While the city is laying water and sewer mains, the companies place their pipes or cables.

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[48] This account is based upon a personal interview with Dr. Meter of the Detroit health department.

[49] In many places the suburban rate was $2 per M as against a city rate of $1.25 for households and $1 for public lights.

A word should be said about fire insurance. As fire protection in the districts brought under the city's control is improved, the rates are lowered. Thus, the residents of the new districts may find their expenses for gas, electric lights, telephone, and fire insurance substantially reduced as a result of annexation.

Rapid Settlement and Increased Land Values

The various developments just described frequently have as their immediate effect a boom in building construction in the new territory and a rapid rise in property values. The price of land is immediately increased by property-owners in the anticipation of city improvements in the district.[51] After the improvements are effected, land again rises in value. As long as a rapid influx of population continues, speculation operates to raise values higher and higher.

Within a year from the time of its annexation to Boston (1868), the assessed valuation of Roxbury increased by $4,000,000. This might not have been an unmixed blessing. A citizen of Roxbury, however, testified before a legislative committee in 1871 as follows: "The act of annexation has doubled and quadrupled the market value of her (Roxbury's) territory . . . . has made the conservative landowners who rented it rich, and given the politicians who dreaded annihilation better offices with greater pay."

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[50] Mayor Cregier reported in his annual message for 1889 that the city succeeded after protracted negotiations with the gas company in securing a reduction in the rates "not only for municipal purposes within the old city limits but also for the public of the annexed districts" and estimated the saving at "$74,700 in the former city (for gas used for public lights) and $6,000 in Lake, $4,800 in Hyde Park and $4,500 in Lakeview (apparently for household gas), or a total of $90,000 per annum."

[51] If the city pursues an illiberal policy in local improvements no such effect necessarily obtains. Thus in Portland where all local improvements are paid by property-owners, people of small means prefer to build outside the city limits.

In Cleveland the results of the recent annexation of West Park on the development of the latter were thus summarized by the *Cleveland Plain Dealer*:

> West Park, the baby of Cleveland's family, has come into her own. From a scrubby, sparsely settled village with little planning in development, she has blossomed this last year into a swiftly growing residential community of moderate-priced homes.

The former engineer of West Park, who was transferred to the city engineers' department following the annexation, is quoted in the article as being enthusiastic over the outcome. He said, "Property values in West Park have increased threefold within the past five years." Inquiries among the residents of the territory have substantiated this statement.

Does Local Civic Consciousness Disappear in Territories Added to the City?

It has been impossible to secure objective data to show conclusively what happens to the so-called self-consciousness of a municipal unit after its absorption by a larger city. That the interest of the residents of the territory in metropolitan affairs is increased is evident; but whether their interest in purely local affairs is lessened it is impossible to tell. Opinions on the subject are largely guesses. All that can be said here is that the development of a metropolitan consciousness among the residents of a territory absorbed by the city does not *necessarily* involve the disappearance of interest in purely local matters. Instances have been found in which the citizens of such a territory have continued their local improvement associations and civic clubs; indeed, have expanded them so as to press more effectively their demands for improvements and new services. Neither do the territories, upon their absorption, necessarily lose the old names dear to their residents. The districts which were formerly Roxbury, Charlestown, Dorcester, and Brighton still continue to be known as such and even appear under these names on the map of Boston. In Portland the territories which were formerly Linnton and St. Johns are still known as Linnton and St. Johns. In New York City not only have the names of Brooklyn and Staten Island been preserved but also the names of minor places, such as Flatbush, Flushing, Hempstead, Jamaica, Tottenville, West Farms, and Pelham.

Before the reader has completed this chapter he will have observed that annexations and consolidations have generally resulted in the prompt improvement of essential community services. To this extent, at least, the environs have been benefited by entering into corporate relations with the large, central city. How the central city has fared will be considered in the next chapter.

CHAPTER VIII

RESULTS OF CONSOLIDATIONS AND ANNEXATIONS—THE CITY'S VIEWPOINT

It is difficult to obtain conclusive statistical data on the financial effects of consolidations and annexations. Figures are seldom available to show the totals of revenues and expenditures of the annexed territories, especially when unincorporated, prior to their merger. Municipal accounting systems are not designed with this in view, and such figures as may be available are often not comparable with the data for the city after the merger. Peculiar conditions, which have nothing to do either with independent existence or with annexations, may control the revenues and expenditures of the territories. The results of such conditions cannot always be distinguished from those of other causes. No data are generally available that show the revenues raised and the expenditures made by the city after the merger in the old and new territory respectively. All financial reports apply to the city as a whole and cannot be readily analyzed by geographic districts. While the costs of certain improvements and services in a given territory can be readily computed, others do not lend themselves easily to such segregation. Particularly difficult is the allocation of proper proportions of the general overhead of the city, of costs of certain metropolitan services and improvements such as parks, and of debt charges borne by the whole city. No data of a comparative nature are ordinarily obtainable, showing the level of assessments before and after consolidation, and without such information the changes in tax rates cannot be properly interpreted.

Do Expenditures in Newly Added Territories Exceed Revenues?

The preceding chapter has shown that a city often furnishes to its newly absorbed suburbs more improvements and services than they could possibly have secured for themselves. Does this mean that it spends more money on such suburbs than it secures from them in taxes? Not necessarily so. The general overhead of the city is often increased slightly by the extension of city improvements and services to the new territory. Theoretically at least, the city may extend improvements and services in a freshly annexed region more cheaply than the region itself could supply them. It is even conceivable that the old city can furnish improvements and services much in excess of what the people of the annexed district formerly enjoyed, and yet make a 'profit' on the transaction. No instance, however, has been found in which the existence of such a 'profit' can be demonstrated statistically. The few instances in which computations have been made show an excess of expenditures over revenues from the suburb or a 'loss' to the old city. In other words, it appears that the city applies funds raised in its older parts to the development of the new sections.

Thus, for example, in Boston as reported in 1880,[1] "a special examination made in 1872-73 showed that while the expenditures in Dorcester in 1870 (the year it was annexed to Boston) were $550,330, the receipts were only $375,491, a loss to the city of Boston of $176,292." Similar differences in favor of the annexed territories were found in West Roxbury, Brighton, and Charlestown following their annexation in 1874.

In St. Louis an estimate of the cost to the city of an earlier annexation was made in 1876 by the *Globe-Democrat*, which was opposing the extension of boundaries then under consideration. Here is what was found:[2]

> Carondelet and its suburb, the whole covering about five square miles, was annexed to this city in the year 1870. It will be remembered that among the arguments urged at the time for the annexation were the taxable resources of Carondelet, which it was contended, would even go beyond self-sustenance. With much of this sort of promise and reasoning, our south city line was finally carried down to the River Des Peres.
>
> Assuming this minor annexation to be something of a case in point for city extensions generally, we have gone to some pains to ascertain what amount in taxes Carondelet and its territory then annexed have contributed to the city revenue from the date of the absorption, in 1870, to this date, viz., including the fiscal year 1875 . . . .
>
> And the showing is this: Within the brief space of five years, as above, Carondelet has paid into the city treasury, for the general support, taxes to the total amount of $288,899, and within precisely the same period Carondelet has drawn out of the

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[1] Brief submitted by Alfred N. Chandler, in opposition to the proposed annexation of Brookline to Boston, to the Committee of the Massachusetts Legislature, March 11, 1880 (Massachusetts State Library).

[2] *St. Louis Globe Democrat,* August 16, 1876.

> city treasury, for her own support and improvement, a gross amount of $726,553.46—to the effect that within the same limited period of five years the taxpayers of St. Louis have lost in their Carondelet venture the rather debilitating sum of $437,654.46. Somebody must have blundered in the first calculations.[3]

With respect to the Baltimore annexation of 1918, the budget officer of the city speaks as follows:[4]

> An attempt was made to segregate the old-city appropriation from those for the new addition (made during the first year following annexation). This separation was by no means complete as there were a number of departments in which no distinction was made between old-city and new-addition appropriations; however, the appropriations as made indicated $1,289,827.74 for the new addition which represented approximately 6 per cent of our budget from general or levy funds. The revenue figured on from this territory for the same year was $1,035,456.14 or $254,371.60 less than the appropriation.

From this it appears that the city contributed to the maintenance of the new territory 25 per cent above the amount supplied by the territory itself, exclusive of interest and sinking fund charges.

In Detroit, figures have been compiled indicating, in the case of a large territory recently annexed, expenditures considerably in excess of revenues. Commenting on this situation, Dr. Lent D. Upson, director of the Detroit Bureau of Governmental Research, says:[5] "We have tried on numerous occasions with much smaller areas to allocate the revenue receipts and budget expenditures to determine the profit or loss from these annexations. In each instance we have failed because of inadequate data . . . . My one guess is that such undeveloped territory when annexed to the city is somewhat of a burden for a number of years—at least until it is built up with homes."

The fact that the city is spending more money on an added territory than it is getting from it is interpreted by some as indicating that consolidation or annexation is unprofitable to the people of the city. Such a conclusion is not warranted universally, for the general economic gains which the city may secure from the consolidation or annexation may more than balance these so-called 'losses.' Analysis of the budget of the city, by wards or districts, would show that many wards are not self-supporting and are dependent to some extent upon the tax revenues produced by the valuable properties in the business parts of the city.[6] New and undeveloped districts must naturally be more dependent financially on the city as a whole than are the older districts. The so-called 'losses' are in reality investments made by the city, or the central business part of it, for its own economic advancement, and in the end, result in increasing its wealth.[7]

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[3] It is only fair to note that certain items in the total of $726,553 were for capital improvements such as water pipe and sewers whose cost might properly be distributed over a longer period than five years.

[4] Letter from Herbert Fallin, chief of the bureau of disbursements, department of finance, city of Baltimore, dated November 30, 1926.

[5] Letter of February 3, 1927.

As the new territory becomes settled, and as property values in it increase, it comes closer and closer to self-support. In time the ratio of its revenues to expenditures may reach a state in which it is actually contributing to the development of other newly added territories or to the execution of large metropolitan projects.

Equalization of Tax Rates

As indicated in the preceding chapter, consolidation or annexation generally involves the application of one uniform tax rate—the city rate, to the entire territory of the enlarged corporation.[8]

Does this consolidation of tax rates into one rate involve a reduction or increase in the rate for the newly added territories? Or what is more significant, does it involve a reduction or increase in their tax burdens. These questions cannot be answered by any "yes" or "no". Obviously, when the tax rates in the suburban territories were lower than in the city—which is usually the case in unincorporated territories,[9] annexation means an increase. Wherever the reverse situation obtains, union with the larger city will result in lower rates for the annexed area.

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[6] In Boston, Ward 5, with a population representing less than 5 per cent of the total population of the city, contains 42 per cent of the assessed valuation of the city.

[7] It has been observed elsewhere that the great values contained in the central business part of the city are produced in a way by the entire city or in fact by the metropolitan area. It is quite proper, therefore, that a part of the revenues raised from these valuable properties should be allocated among the various districts of the city, if not the entire metropolitan area.

[8] The exceptions to this rule, by which certain differentials in tax rates are preserved or introduced, are discussed in Chapter IX.

Thus, for example, in Detroit and Milwaukee, where the tax rates in the unincorporated territories lying nearby are generally lower than the city, annexation usually implies a higher levy in the annexed district. On the other hand, Chicago's extensive annexations of 1889 resulted in a drop in the tax rates of the annexed districts, because the suburban rates had previously been very high.

It is impossible, of course, from the bare figures of tax rates to reach any conclusion as to the change effected in tax burdens, unless data are available as to the changes effected in the level of assessments. Thus, for example, the Detroit assessment department raised the valuations of the property in certain recently annexed districts, having found them much below the level obtaining in the city. The increase in the taxes must consequently have been larger in these territories than indicated by the increase in the tax rate. That the city does not always raise the level of assessed valuations in annexed territories is shown by the following figures taken from the experience of St. Louis after the extension of its boundaries in 1876. The table indicates that valuations were reduced in both the old and new territories.[10] This was due, of course, to peculiar conditions, one of which was the demand of the citizens for tax reduction; the other, the privileged status granted properties in the annexed districts by the terms of the annexations.[11]

	Assessed valuations (in thousands of dollars)	
Year	*In new territory*	*In old territory*
1877	17,451	162,256
1879	14,059	151,204
1881	15,186	151,259
1883	16,560	173,678
1884	20,852	189,328

The figures available for Brooklyn, both as regards its tax rate and level of assessments, show conclusively a lightening of the burdens of taxation in that borough immediately after its consolidation with New York. Its tax rate prior to consolidation was 2.63 per cent upon a reported valuation of 70 per cent of true value, as compared with a tax rate in New York City prior to consolidation of 1.90 per cent, upon a valuation basis of 50 per cent (Hearing before the Joint Legal Committee on Affairs of Cities, Feb. 1, 1895). The rate was then reduced to New York City's level, with the result that the amount of the levy fell below that of the previous year by $1,680,000. "The tax rate in the borough in 1899," said Comptroller Coler, "based upon an assessed valuation substantially unchanged from 1897, was the lowest in seventeen years." Comptroller Coler, in the latter part of 1899, estimated that Manhattan was contributing $6,000,000 annually to the expenditures of the city in the other boroughs. While assessed valuations in Manhattan and the Bronx were materially increased during the second year after consolidation, assessed valuations in Brooklyn and the other boroughs were not so increased. Such increase as took place in the aggregate assessed valuations in the boroughs other than Manhattan was due in the main to the construction of new buildings.

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[9] The only instance in which tax rates in unincorporated territories are higher than in the city are those in which the school district taxes or road taxes are extraordinarily high.

[10] Excerpted from annual message of mayor of St. Louis for 1859, p. 47.

[11] See Chapter IX.

An increase in the tax rate or the valuation of property after the inclusion of a given territory within the city may occasion a substantial increase in the tax burdens of the owners of property therein. In many cases this may be compensated for by the increase in the real value of the property. Home-owners, however, who are able to reap advantage from higher values only by the sale of their holdings, are the class least likely to be benefited by such changes. Industries, also, find higher valuations and taxes a continuing burden. As we have seen, home-owners and industries seek to escape from these consequences and continue the suburban movement toward cheaper lands and lower taxes.

Increase or Decrease of Expenditures in the Enlarged City as a Unit

Do consolidations or large wholesale annexations result in an increase or decrease in expenditures for the unified region as a whole? This question is asked particularly by citizens interested in tax reduction. It is impossible to make a blanket answer. Different conditions produce different results.

Consolidation or annexation, on a large scale, is apt to occur at a time when the city is expanding rapidly and when public attention is centered on new projects. If at the same time the city happens to be in relatively good financial condition, an increase in expenditures naturally results. Thus, for example, the consolidation of New York was carried through under such conditions and was followed by a rapid increase in expenditures and funded debt. This appears from the following figures.

Year	*Budget appropriations exclusive of appropriations for state and county purposes (in millions of dollars)*[a]	*Gross funded debt at end of year*[b]
1898	67.4	341.8
1899	83.7	359.6
1900	79.2	384.8
1901	87.5	412.0
1902	90.4	434.3
1903	105.8	534.9
1904	111.7	469.1
1905	125.7	365.0
1906	138.5	617.5
1907	151.4	672.4

[a] *Report of the Joint Legislative Committee to Investigate the Finances of New York City,* 1909.

[b] *Report of the Joint Legislative Committee to Investigate the Finances of New York City,* 1916.

The increase was especially pronounced in expenditures for schools, paving, sewers, rapid transit, bridges, fire, police and health services, charitable institutions and street cleaning, a very substantial proportion of which were for the benefit of the added territories. There was also a large increase in expenditures for water supply which expenditures appear directly only in the debt item.[12] The appropriations for certain purposes in 1898 and

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[12] Lawson Purdy, president of the tax board of New York City at the time, summarized the increase in the appropriations of the city for the decade, in a letter which appeared in the *New York Times* of November 22, 1908, as follows:

> There are eight items of the city budget which, taken together comprise 83 per cent of the increased expenditures in the last ten years. These are as follows:

	Increase	*Per cent increase*
Debt	$26,473,345	189
Education	14,709,282	122
Police	3,622,441	34
Borough presidents	4,314,412	96
Fire	3,124,963	71
Street Cleaning	2,591,694	64
Charitable institutions	2,450,262	129
Health	1,288,791	130
	58,575,190	
Total increase	70,273,835	

1907 appear in the following table:

Objects of Appropriation	*Amounts of appropriation (in millions of dollars)*	
	1898	*1907*
Debt Charges	13.3	29.1
Schools	12.3	25.8
Borough Presidents (Streets, sewers, etc.)	4.1[a]	8.2
Street Cleaning	3.9	6.3
Fire Department	4.4	6.9
Police Department	10.6	12.4
Charities	3.6	6.8
Health	1.0	2.5

[a] In 1898-1901 these expenditures were made by the departments of highways, sewers and in part for public buildings, and other improvements.

The increase in the debt charges was due to increased borrowings which were resorted to for the following purposes:[13]

Permanent Improvements	*Bonds issued in 1898-1907 (in millions of dollars)*
Schools	71.9
Streets and Sewers	72.2
Rapid Transit	50.4
Water Supply	52.2
Bridges	15.9
Docks and Ferries	15.3
Public Buildings	12.0

Some of the representatives of real estate interests saw in this increase a sign that the city was heading towards bankruptcy.[14] In a rebuttal of this charge, Lawson Purdy said:[15]

> The City of New York . . . . . in the last ten years has been substituting modern city government for town government, with all its attending costs, and this is part of the price we have paid for consolidating three cities, nearly twenty villages and almost one hundred separate governing bodies. To a greater or less extent, we have been extending all the city conveniences to these many country towns . . . . Great public works have been inaugurated, and some have been completed. On the average, I think it may be said that every department in the city government is a more effective instrument today than it was ten years ago.

There is some evidence that this increase in expenditures has resulted in increasing the tax burdens of Manhattan Island. According to estimates made by the tax department, property in Manhattan was assessed at 66-2/3 per cent in 1900.

[13] Taken from Edgar J. Levey's *Progress Towards Bankruptcy,* a communication addressed to the Legislative Committee appointed to investigate the finances of New York City in 1908. Published in pamphlet form.

[14] This charge was made in the pamphlet cited in the preceding footnote.

[15] Letter to the *New York Times* of November 22, 1908.

In 1902 assessments were raised to a 100 per cent level. The joint legislative committee which investigated the finances of New York City in 1916 estimated that on the basis of a 100 per cent assessment the tax rate on Manhattan Island was 1.5 per cent in 1900 as against 1.87 in 1915, an increase for the period of 37 mills or 25 per cent.

It would be an error, however, to ascribe all of these increases in expenditure and tax burden to consolidation. A part, if not all, of them would have occurred without consolidation. Governmental costs have risen for cities in general quite irrespective of the problems with which this study deals.

Furthermore, as already stated, the increase in the value of property may more than offset the disadvantages of increased taxation. If, for example, a piece of property assessed at $10,000 in 1900 had been assessed at $15,000 in 1915 in accordance with market value, the tax would have increased from $150 to $280, a difference of $130. If, however, the owner were able to receive a 5 per cent return upon the increase in value, the income in respect of this piece of property would be $250 greater in 1915 than in 1900. This would represent a net gain of $120 per year to the owner. Unfortunately for the conclusiveness of such reasoning, there is no ground for ascribing all the increase in real value to consolidation or annexation. It is difficult to estimate the effect of union with the city on values in outlying districts. It is even more difficult to discover the effect of union on the older portions of the city. Even the most cautious investigator, however, would allow to transportation developments facilitated by consolidation a very considerable influence on Manhattan values.

Where consolidation or annexation occurs at a time when the municipal units concerned and especially the central city are in financial difficulties and when public attention is centered on curtailment of expenditures, consolidation or annexation may have such curtailment as its immediate result. Thus the consolidation of Philadelphia, which was brought about by the citizens aroused by the "imbecilities" of both the city and suburban governments, brought substantial retrenchment. The administration of the enlarged city inherited from the old city and the various suburban governments a grave financial situation. The mayor complained in 1855[16] that the new administration was "expected by the unreflecting to realize, and at once, the extraordinary advantages always expected by innovations, and especially the financial benefits anticipated from consolidation—an utter impossibility, as many of the old municipal governments were at the time of their demise on the eve of bankruptcy; some had recklessly or corruptly enlarged their engagements and the responsibilities of the new government with frightful rashness, the results of which now burthen us, and others had permitted their financial affairs to fall into a condition of chaotic confusion, doubt and irresponsibility." The new government was expected, he said, "to correct the abuses, methodize the confusion, and supply the deficiencies thus heaped upon it and to do this, in addition to the duty of organizing and carrying on a complicated government for itself and of encountering the most serious financial embarrassments, in the gloomiest monetary crisis known to the country."

Drastic reductions in the police force were but one of the measures of retrenchment adopted. Efforts were concentrated on the payment of interest and sinking fund charges which were heavy.[17] A ban was imposed upon new improvements. "The financial condition of the city is such at this time," reported the mayor, in his annual message for 1857, "that the subject of making some necessary public improvements will not meet with that general approval it claims."

The very first year, a committee appointed by the councils prepared a statement of total expenditures of the various governments prior to consolidation and the expenditures of the consolidated government showing that "the expenditures of the present corporation are not likely to reach the gross amount accruing under the old districts by a very large sum."[18] The policy of retrenchment was followed until 1867. By this time the city re-covered from its financial ills and faced renewed prosperity. An era of expansion in municipal activities and expenditures opened which inured largely to the benefit of the new territories.

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[16] See his annual message for the year 1855.

[17] Not one of the governments which had outstanding debts except the city, the county, and Germantown (which had $12,000 in its treasury), had a dollar on hand at the time of the merger, although some of the debts were at least eight years old (*Report of the Finance Committee to the Councils,* 1855).

[18] *Report of Finance Committee to the Councils,* April 19, 1855.

In St. Louis, the enlargement of the city boundaries in 1876 was accompanied by provisions in the new charter limiting the city to a tax rate of 1 per cent, exclusive of the levy necessary to meet debt charges upon which no limitation was set. In addition a provision was inserted in the new constitution prohibiting the city from increasing its bonded indebtedness beyond the amount of its annual revenue. To comply with these limitations, the city was forced to reduce its expenditures all along the line, as the following figures show:[19]

Year	*Municipal revenue in thousands of dollars*
1875-1876	5,167
1876-1877	5,300
1877-1878	4,594
1878-1879	4,124
1879-1880	4,301
1880-1881	4,191
1881-1882	4,188

Improvement in Census Ratings

One of the results of consolidation and annexation has been the improvement in the census standing of the central city. As already pointed out, large population figures have an advertising value. They attract business and population to the city. Business men have testified to this most emphatically for almost a century.

When a foreign or domestic manufacturer considers extending credit to a mercantile establishment in any city or the possibility of marketing his goods in it, he takes into account the size of the city and the rate of its growth as shown by the census. If the figures show a small population and a slow rate of growth, he does not consider it as good a place in which to do business as another city which according to census figures is larger and grow-

[19] *Report of St. Louis City Comptroller,* 1882; p. 5:
The mayor in his message of 1877 said: "In all departments the public work in charge of the city engineer was greatly curtailed during the past fiscal year. This was rendered necessary by the reduction in the revenue available for that purpose and the importance of bringing the city under the new charter free from floating debt and prepared to assume the additional responsibilities created."

ing faster. He does not go to the trouble of consulting the map, listing the suburbs, and adding up the population of the suburbs of these respective places and analyzing their respective growth in these terms. Thus a city, credited because of restricted boundaries with only part of its real population, may suffer in commercial estimation.

The fact that Philadelphia, Boston, and Pittsburgh, before the extension of their boundaries, were credited by the census with much smaller populations than they really contained, meant that they were given a lower rank among the great cities of the country and the world than they were in fact entitled to.

Scores of quotations could be presented from articles which appeared in Boston during the period 1850-74—some from the pens of the leading business men and jurists of the city—containing bitter complaints of the injury caused the city by the misleading figures of the census.

In Philadelphia this situation was corrected, for the time being at least, by the consolidation of 1854. As a result the city obtained credit in the 1860 census for a population of 565,531 instead of 150,000, and was elevated from fourth to second place among the cities of the country. She lost that place in 1890 in favor of Chicago, and took the third place, which she has kept ever since.

By the annexations of 1868-74, Boston advanced for the time being from seventh to fifth place, but soon began to slip, appearing in the census of 1920 as the eighth city. In that census she received even less credit, proportionately, for her real population than she had prior to the above annexations (43 per cent of its real population as against slightly more than 50 per cent in the census of 1850.)

The following table shows the rôle of the annexations in Boston's population growth.[20] The figures are for 1920:

Population of Boston, proper (Original boundaries and reclamations)		170,637
Population of annexed areas:		
Those annexed prior to 1868	127,195	
Those annexed from 1868 to 1874	432,142	
Those annexed in 1911	18,086	577,423
Total		748,060

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[20] From *Boston Municipal Register,* 1922, p. 226.

Cities which have extended their boundaries in advance of the development of a great suburban population, or more or less in unison with it, have succeeded thereby in securing constant credit for all or nearly all of their metropolitan population and have extracted the full advertising value from that fact. Thus Chicago, because of its large annexation in the eighteen thirties, fifties and sixties gained credit in 1870 and 1880 for almost ninety per cent of its real population and the large annexations of the eighties served to maintain this favorable proportion. As a result the city attained second place in the census of 1890.

In an editorial on the eve of an annexation vote,[21] the *Chicago Tribune* wrote: "Chicagoans feel that the gain in population which will follow annexation will add to the credit and standing of the city abroad. It will have that weight which mere superiority in numbers carries with it. It has been a benefit to Philadelphia that the census showed it to be the second city in the country. Chicago will now step forward and get the good of that advertisement." The announcement of the favorable vote was made under the headline "It Is as It Should Be—Chicago Is Now the Second City in America."

But for the annexation of 1874 and consolidation of 1898, New York would be unable to advertise itself today as the first city of the United States, inasmuch as the population of Manhattan Island, to which alone it would be entitled, is smaller than that of Chicago.

By its annexation of 1816, Baltimore managed to get ahead of Philadelphia and in 1830 became the second largest city in the country. It continued in that position until 1860 when Philadelphia and Brooklyn passed ahead of it. But by its annexations of 1888 and 1918 it naturally improved its position in succeeding census ratings.

That the consolidated city of Pittsburgh would rank as the fourth city of the country with respect to population was the most popular and conspicuous argument used by the sponsors of consolidation in the election in Pittsburgh and Allegheny County in June, 1929, in which the proposed consolidated city and county charter was defeated by the voters. And in Boston recently, interest has been aroused in some scheme which will bring the Boston area together for census purposes without disrupting the powers of local political units.

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[21] June 28, 1889.

Gains in Population through Annexation

The table below shows the gains in population resulting from consolidations or large annexations to certain cities.

City	*Population in the census taken prior to consolidations or large annexations*	*Population in the first census taken after consolidation or large annexations*
Philadelphia	121,417 (1850)	585,531 (1860)
Boston	177,481 (1860)	250,226 (1870)
		362,639 (1880)
Chicago	503,185 (1880)	1,099,850 (1890)
Baltimore	46,555 (1810)	62,738 (1820)
	332,313 (1880)	434,439 (1890)
	558,485 (1910)	733,826 (1920)
New York City	1,515,301 (1890)	3,437,202 (1900)

Generally the largest increases in the city's population arise from the rapid settlement of new territory during the years following its annexation, and not from numerical addition of the population resident in the new territory at the time. Consequently the full benefit of annexation with respect to the city's rating in the census is not realized until ten, twenty or more years roll by. Thus, for example, in Chicago the annexation of 1889 added only approximately 200,000 to the population of the city in the census of 1890.[22] The rest of the increase registered in that census occurred in the territories annexed in the thirties, fifties and sixties. The annexation of Roxbury added thirty-five thousand to the population of Boston in the census of 1870. In the next census the same territory was responsible for an additional twenty-two thousand, and by 1920 it contained a population of 135,000. The annexation of Dorcester added at the time only 12,000 to Boston's population, but by 1920, the same terri-

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[22] The estimates of the *Chicago Tribune* of June 30, 1889, were as follows:

Chicago proper	880,000
Annexations of June 30	220,000
Total	1,100,000

tory contained 158,000 persons or about one-fifth of the population of the entire city.[23]

In order that these effects of annexation upon population for census purposes may be favorable, the territory must be fairly large and suitable for settlement. Since 1910 the decennial census has reported upon the population of the "metropolitan area" surrounding the largest cities. As already stated, this area is described by an arbitrary line drawn about the central city ten miles from its boundary. For the census of 1930 a new definition of the area, along lines described above, is being considered, which may hereafter greatly reduce the potency of the population argument in favor of annexation and consolidations.

Civic and Governmental Gains

That comprehensive consolidations and annexations tend to arouse the "booster" spirit of the city, inspire the citizens with a renewed confidence in its future, and spur them to a greater activity in community development is well evidenced. Large gains in size and population are pleasing to the self-regard of the city's inhabitants. Rightly or wrongly, its commercial prosperity and desirability as a business location are popularly measured by its size and by the rate of population growth. At times of large-scale annexations broad physical improvements or important reforms in the organization and operations of the municipal government have been made under the leadership of progressive proponents of expansion. It is now possible to call upon the brains and ability of leaders in the whole unified region.

Chicago affords a good illustration. Having become the second largest city in the country and the unchallenged metropolis of the West, the city immediately developed an ambition to be chosen as the site of the World's Exposition of 1893, for which honor New York City appeared to be the successful contender.[24] An organization was formed and a large fund subscribed to cover the expenses of bringing the exposition to Chicago, and to meet the costs of the exposition itself. As the choice was to be by Congress, an energetic campaign was begun throughout the West to persuade members of Congress from that region to vote in favor of Chicago. Despite great efforts by New York and the Eastern states to win a decision for New York City, Chicago was victorious.

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[23] It is interesting to recollect in this connection that a commission appointed by the city of Boston in 1868 to report on the advisability of annexing Dorcester, reported that according to its present rate of growth the city would have by 1900 a population of 450,000, that this number cannot be accommodated within the limits of the city and that the city needs "new territory of large capacity, bordering closely upon the city, in the direction of the movement of population, best adapted to our existing system of water distribution, drainage, etc. . . . which we shall have the power to shape at small expense, for the healthful occupation of our increasing population," and that the territory of Dorcester "seems to present these important requisites."

The great consolidation of Philadelphia and New York City and the large annexations of St. Louis were accompanied by far-reaching reforms in the structure and processes of their governments. The charters adopted in each case represented a turning point in the governmental history of the city and set down a new course for its development which was followed for several decades. Where such reforms were not accomplished at the time of annexation they have often been effected soon afterward. The people realize that a government suitable for a small city is not suitable for one of vastly greater dimensions. The changes which have been effected in the structure of city government following annexation have been generally in the direction of greater centralization of the executive power, more approved financial practices and procedure, more attention to social welfare functions and public health and education.[25]

Thus in Boston, in the words of the Finance Commission,[26] "as the city increased in size by natural growth and annexation, the inherent difficulty of securing good administration through committees of an elective body and the necessity for centralizing executive power became more and more evident." The attempts to bring about these changes resulted in enacting the charter of

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[24] An examination of the files of the newspapers and histories of the Exposition reveals that prior to July, 1889, no serious claim was put in by Chicago in the matter.

[25] At the same time a certain amount of purely administrative decentralization was often effected in the organization of the city government through the establishment of various administrative districts (police precincts, street cleaning districts, etc.). This tendency may be more far-reaching than is generally conceived. Unfortunately, it was impossible to consider it extensively in the present study.

[26] *Report of the Boston Finance Commission on City Charter*, 1909, p. 14.

1885—the first comprehensively revised charter since incorporation in 1822 (the revision of 1850 was far from comprehensive). In Pittsburgh, as Killikelly points out, "following the annexation of the South Side, it became apparent that the old machinery did not fit the enlarged municipality." Efforts were made to devise a new mechanism. A measure was framed and passed in the 1873-74 session; but the new constitution of 1874, which forbade special legislation, went into effect before the bill was signed by the governor, and it was consequently inoperative. Another attempt was made in 1874 when the Wallace Act was passed, dividing the cities of Pennsylvania into three classes. The governor appointed a charter commission but the legislature did not approve of its work and consequently the machinery of the government remained the same until the Act of 1887.

In St. Louis the annexations of 1876 were accompanied by separating the city from the county and adopting a new charter which served the needs of the city for almost forty years.

But, sooner or later, the stimuli set in motion by the enlargement of the city wear themselves out, and unless stirred by other happenings the civic interest declines. There is no evidence of the existence in larger cities of a more active and sustained interest by citizens, in their local government, than there is in smaller places. The opposite is often true. But whatever civic spirit be present in the larger city, it is perhaps imbued with a deeper sympathy with the masses and the underdog, and may be characterized by a broader and less provincial view than is the civic spirit of the smaller places.

Limitations upon Annexations and Consolidations

However comprehensive consolidations or annexations may be, the metropolitan population eventually grows beyond the boundaries of the enlarged city. This growth proceeds in fact from the very day of consolidation and annexation. On one hand it is a continuation of the former growth; on the other, an acceleration of it—for as the land values and sometimes the taxes in the annexed territory increase as a result of the consolidation or annexation, many people seeking cheap land and low taxes settle in the territory outside the new boundaries of the city. This growth of the outside population may for a number of years be much smaller than the growth in the annexed territory prior to its annexation, but in time it is bound to become as great and even greater. When this time arrives, new consolidations or large annexations must be brought about, or some other means of integrating the government of the territory must be found. Thus consolidation and annexation may be said to contribute their share to the growth of the suburban population and expansion of the metropolitan area. They can never eliminate the suburban population for the latter will always form anew around the city boundaries however far the latter may be stretched, being in part the product of the existence of the boundaries.

In most instances the territories thus brought under the city's control are poor or undeveloped. Consolidations and annexations as a rule do not readily reach prosperous communities. The following communities which have opposed a merger with the city for many years, and so far successfully, illustrate the point:

Boston—Brookline, Newton, Milton, etc.
Chicago—Evanston.
Cleveland—Cleveland Heights, Bratenahl, Lakewood, Shaker Village.
Detroit—Highland Park.
Pittsburgh—Wilkinsburg, Edgewood, Sewickley.
Cincinnati—Norwood, St. Bernard.
Indianapolis—Woodruff.
Los Angeles—Pasadena, Beverley Hills, Long Beach.
San Francisco—San Mateo County.

Sometimes a community is able to maintain its political identity even after it has been completely surrounded by the large city.[27] As already pointed out, the existence of one autonomous municipality within another raises difficulties for the greater city. The political metropolis produced by the annexation method has frequently been a metropolis minus some of its richest suburbs.

Moreover, the advantages accruing from annexation as a means of consolidating the metropolitan area have generally been somewhat one-sided. The reason may be, not in the annexation process per se, but in the terms under which annexations have taken place. They have not been attended by a well developed program for the balanced extension of services to the annexed regions. In no important case has an effort been made to classify the territory and to establish gradations in municipal services as between the congested parts needing the full city services and the sparsely settled territory requiring only partial services. Doubtless, a thorough field study would demonstrate that city improvements are sometimes extended more rapidly into newly added territory and greater burdens imposed upon the city as a whole than are justified by the incomplete settlement of the area. Outright submergence of undeveloped territory in a larger political unit by means of annexations brings it under a government designed for a densely populated city and not sufficiently adaptable to the varying conditions of urban and semi-urban life, now brought under one rigid local government. From the city government's standpoint such heterogeneous territory is difficult to administer.

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[27] Examples of this are Highland Park in Detroit, Bratenahl in Cleveland, Beverly Hills in Los Angeles, Woodruff in Indianapolis, and St. Bernard in Cincinnati. Brookline is almost surrounded by Boston. Hamtramck in Detroit is another example but one which represents a special situation. It is a Polish community which speaks a language of its own and prefers to maintain a government of its own more sympathetic to its needs than the general city government would be.

Soon after the extension of the boundaries of Philadelphia, St. Louis, and Chicago, complaints were made by city officials of the difficulties of administering the vast and undeveloped territories now under their control.[28] In 1902, Mayor Carter H. Harrison contended in his annual message that Chicago could be administered more efficiently if it were a more compact city. He said:

> In considerable measure the existing civic evils may be traced to a common origin, the great territory, sparsely settled and scantily improved, which makes up Chicago. The revenue from taxation as well as from miscellaneous sources raised in these outlying districts is comparatively small, while the demands of their citizens for improvements, protection and measures of public comfort are great. The citizens of these sections with justice demand attention to their wants at least approximately equal to the attention bestowed upon more populous districts. These

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[28] The board of public improvements of St. Louis expressed itself as follows in its annual report, a year after the great annexation (*Reports* of 1877-78, p. 199):

> "It is the misfortune in some respects of St. Louis, which it shares with many other cities, that the facilities for the extension of its limits have been too great. This has resulted in scattering the population thinly over a very wide area, and has made necessary a very great length of streets, which it is no small burden to maintain."

> demands must be heeded by your Honorable Body as well as by the executive branch of the city government.
>
> Chicago's territory is today too great, and warning to this effect should be published broadcast. An attempt to increase this territory should meet with instant and emphatic discouragement. The ideal city is compact. With its area fully occupied the care of all branches of administration can be applied to all sections expeditiously and well.

Mayor Harrison's belief is in contrast to the opinion expressed by Mayor Cregier of Chicago in his annual message of 1891. "The experience of the older cities of the country demonstrates," he said, "that contracted boundary lines, for many reasons, tend to retard progress." Evidently there are two sides to the question.

As the possibilities of scientific city planning are more and more revealed it may be desirable deliberately to guide the distribution of population by the construction of public utilities in advance of settlement and with respect to future needs rather than, as at present, subsequent to settlement when the utilities follow rather than guide development. While undeveloped territory within a city's limits raises administrative and political difficulties, these may be slight in comparison with the advantages of governmental simplicity and consolidation of power for the execution of the city planning of tomorrow.

Undoubtedly had our cities' boundary lines remained contracted, the progress of the regions would have been retarded, through the absence or difficulty of coördinated planning and action. The annexations and consolidations which have been described were valuable to the growth of the large city. Had they not taken place, other devices more cumbersome and less effective would have been utilized. The annexation process has at least the important virtue of simplicity and, on the whole, its results have been good. But there are signs that this simple expedient will no longer serve the complex needs of the vast and expansive metropolitan areas of today. It is possible, even, that a new form of local government will be necessary. Probably the annexation process will be compelled to submit to limitations and exceptions through the necessity of reconciling legitimate local interests with metropolitan needs.

CHAPTER IX

DIFFERENTIALS IN TAXATION BETWEEN URBAN, SUBURBAN AND RURAL PROPERTIES

In several of the schemes of annexation or consolidation which have been described, property in the suburban and rural areas has been taxed at lower rates than property in the strictly urban portions. The purpose of these differentials is to induce property-owners in these territories to support annexation.

The principle of tax differentials has been applied in but four metropolitan cities—Baltimore, Philadelphia, Pittsburgh, and St. Louis. In the first two it is still in operation. In the others it was abolished some years ago, but has again been proposed in connection with annexation or consolidation schemes. Whether the principle is economically sound and equitable is questionable.

Baltimore

One of the earliest instances of partial or complete exemption of suburban properties from city taxes is found in Baltimore. As early as 1797, and again in 1806 and 1816, laws were enacted exempting newly annexed territories from all or certain city taxes. The law of 1816 established the principle that no property in the newly annexed territory was to be taxed at the full rate until a specified density of population or building development had been attained.

In later laws a different method was employed. The suburban or unimproved sections were exempted from the so-called "city tax," which was levied only in the strictly urban or improved sections of the city, for watch, street lighting, and other city services rendered there. The other localities were subject only to certain city-wide levies, such as the court, poor, school, highway and bridge levies, for services common to all. The boundaries of the district subject to the city tax were fixed in 1817 by a special commission and were later extended from time to time, always exempting properties containing less than six houses per acre. Thus the area of exemption was gradually reduced. In 1876 the area of city taxation was extended to the city limits and all properties became subject to the same tax. The practical effect of the arrangement from 1818 to 1876 was that the aggregate rate levied upon property without the limits of full taxation varied in successive years, and was from ten to twenty-five per cent less than that in the remaining parts of the city. After 1876 the distinction disappeared and all assessed property within the municipal limits was taxed at an identical rate.[1] Thus the reduction in the tax rate granted to the property-owners in the territories annexed in 1792-1816 was finally and gradually brought to an end.

Twelve years later another wide annexation—the first since 1816—was being proposed, and it seemed appropriate to resort again to the old plan of differentiation. The people in the suburban territories were to vote on annexation and it seemed unlikely that they would vote favorably unless a partial exemption from taxation was offered them. A clause was consequently inserted in the annexation law, providing that until 1900 no property in the annexed territory was to be taxed higher than at the current rate of sixty cents; and that until 1900 no property in the added area was to be assessed at a higher value than that at which it was assessed at the time; and that after 1900 the tax rate might be increased to the regular city rate only on landed property on which streets or alleys had been constructed and at least six dwellings erected per block.

From 1888 to 1900, under this law, property in the added district was assessed at the valuation and taxed at the rate enjoyed before annexation. Its tax burden for municipal purposes was only one-fourth of that resting upon other urban property. During all this time municipal expenditures in the annexed district are claimed to have been in excess of the receipts therefrom, while property in the annex, taken as a whole, was appreciably undertaxed.[2] As a matter of fact, the annexation rate of sixty cents was materially less during this period than the Baltimore county rate, which moved up from sixty to ninety-three cents. In other words, the annexed property located in the city and enjoying city services was taxed at a lower rate than property in the county which was not receiving city services.

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[1] *Report of Advisory Committee on Taxation and Revenue, Baltimore City, 1908,* p. 77.

[2] *Ibid.,* p. 78.

In 1900, upon the nominal expiration of the exemption period, a general reassessment of the property in the annexed district was made and the city tax rate was applied to such property as contained not less than six houses per block. The total assessed valuation of property in the district for that year was 37.4 million dollars, of which 26.5 million dollars became subject to the full rate and 10.8 remained under the "suburban", sixty-cent rate.[3]

The property-owners in the favored district added in 1888 were unwilling to relinquish the tax differentials and in 1902 secured the passage of a law reëstablishing practically the old footing.[4] "The quick and practically undisputed enactment of the measure," said the Advisory Committee on Taxation and Revenue of 1908, "can only be understood in the light of that chronic neglect by the city of its own welfare when opposed by special interests, to which many costly errors in our municipal economy are due."[5]

This measure, known as the Foutz Law, provided that no property in the "annex district" was to be taxed at a greater rate than sixty cents, unless it was located in a block of less than 200,000 square feet (4½ acres) containing six or more buildings and unless the block was bounded on all sides with streets that were curbed and paved. In other words any property located in a larger block than that specified was to be exempted from the city rate even though six buildings were contained in it; and any property located in a smaller block was to be exempted from that rate if one of the two side streets or the back street happened to be uncurbed or unpaved. The fact that the property fronted on a paved and curbed street was not sufficient to obligate the property to pay the city rate.

Some 22.2 million dollars of property in the annexed district, which for two years had been taxed at the full rate, was thereupon at once restored to the sixty-cent rate and again taxed at a rate lower than it would have been subject to had it remained outside the city. In consequence of this exemption, the city collected from the district $150,000 to $300,000 per annum less than it would have received under the city rate. The additional taxes upon the balance of the city necessary to make up this loss have been estimated to amount to five cents on each hundred dollars of property.[6]

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[3] *Ibid.*, p. 87.

[4] *Maryland Laws*, 1902; Ch. 130.

[5] *Report of Advisory Committee on Taxation and Revenue, Baltimore City*, 1908, p. 88-89.

In 1908, protests against this favoritism caused the enactment of a compromise measure which, although it did not repeal the exemption, reduced it slightly with the approval of the owners of property in the annex district. Following the Philadelphia and Pittsburgh models, the new act divided property in the annex into three instead of two classes. The tax rate on "rural" property was fixed at sixty-five cents—five cents higher than before; that on "suburban property" at two-thirds of the full rate, but never to be more than $1.30 per hundred. The requirement of six houses in the block for the full rate was dropped.

When in 1918 a law to annex some more of Baltimore County was framed, the city profited from its experience with the exemptions of 1888. It was apparent that opposition to annexation, already formidable, would be increased if the new territory was to be taxed at the city rate. The authors of the measure therefore devised a plan under which the exemption subsidy was to be withdrawn gradually. Property in the new district was to be taxed at sixty per cent of the full rate plus an additional two per cent in each successive year, so that at the end of twenty years the exemption privilege would disappear entirely. So framed, the law was passed and the annexation was effected.

At the same time another step was taken to restrict the special tax privileges in the old annex by a clause, inserted in the law just referred to, providing for the complete termination of the tax exemption therein by the year 1939. Two years later the minimum size of the blocks exempted, per se, from the city rate was increased to 300,000 square feet; the maximum rates of $1.30 on suburban properties and 65 cents on rural properties were eliminated and the rates of two-thirds and one-third respectively of the full rate were substituted for them.[7] "With the full tax in 1919 and 1920 fixed at $2.97," said the Baltimore Tax

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[6] *Ibid.*, p. 82.

[7] Maryland L. 1920, ch. 721.

Commission of 1923, "the suburban property paid only a rate of $1.30 whereas two-thirds of the full rate was $1.98." With respect to rural property, the situation was summarized by the commission as follows:

> The rural property which for twenty years had a tax rate of sixty cents, for the next twelve years a rate of sixty-five cents, and for the past four years a rate of ninety-nine cents, has enjoyed a tax rate for thirty-five years on the average lower than the rate on farm property in any county in the state and decidedly lower than the average rate in Baltimore County.

Some of the property-owners in the old annex of 1888 have taken full advantage of every opportunity afforded by the law, by cutting up their land in blocks of such size, placing houses on them in such fashion, and leaving an alley here and there uncurbed or unpaved in such a way as to secure the continued advantage of the lower rates. Some of the best suburban developments and some of the finest mansions of the city have made their appearance in the district and have secured the benefits of the lower rates.

By 1923 the total assessed valuation of property in the 1888 annex enjoying partial tax exemption amounted to $75,000,000 and the city's loss in taxes to more than a million dollars annually. Agitation for further restriction or abolition of the exemption continued. It was manifestly unfair, declared the tax commission of 1923, to continue the existing preferential rates on these properties which were "enjoying in many particulars all the advantages which property paying the full rate enjoys." The creation of the new annex in 1918, it said, embracing territory more remote from the center of the city, enjoying fewer city advantages and yet paying a rate of tax much higher than the old annex, only emphasized the injustice of continuing these preferential rates on property which would, under the annex act of 1888, have been paying the full rate since 1900. There is no justification in law or morals, it added, for permitting such favoritism to continue. But nothing came of these recommendations.

Whenever an attempt was made during the past quarter of a century to restrict or abolish these exemptions, the defense was advanced that the city was contractually and morally obliged to maintain them—and this despite the fact that the highest court of the state ruled in 1900 in the Sindall case[8] that these exemptions were not contractual and that the legislature could change or abolish them at will; and furthermore that the bulk of these exemptions were created not by the annexation law of 1888 but by the Foutz Law referred to above, secured by the property-owners in the annex themselves.

Philadelphia

In Philadelphia, the provision for differentials in the rates appeared first in the Consolidation Act of 1854. It reads as follows:

> The city councils shall so discriminate in laying said city taxes as not to impose upon the rural portions those expenses which belong exclusively to the built portions of said city; for which purpose the assessors shall distinguish in their returns what properties are within agricultural or rural sections, not having the benefit of lighting, watching and other expenditures for purposes exclusively belonging to built portions of said city; and all land within said agricultural or rural districts used for the purpose of cultivation or farming, shall be assessed as farm land . . . . .

In 1855 another law was enacted which carried the principle of the foregoing clause into effect by providing that "the councils shall not impose taxes upon rural portions of the city for policemen and watchmen, for lighting and paving, and cleaning streets, and shall make an allowance therefore, of at least one-third of the whole city tax in favor of such section."

In 1868 the system was modified by establishing three standard tax rates—the full tax rate on city property, two-thirds of the full rate on semi-rural or suburban property, and one-half of the full rate on agricultural or farm property. The power to determine to which class a particular piece of property belonged was vested in the assessors.

Acting under this power, the assessors today define as rural or "farm" territory, land without improvements; as "suburban" territory, land through which streets have been cut and which contain what they call "certain improvements"; and as urban territory land in which sewer connections have been established.[9]

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[8] *Sindall* v. *Baltimore,* 93 Md. 526.

[9] Letter from Russell Black, formerly planning engineer of the Regional Planning Federation of the Philadelphia Tri-State District.

City, farm and rural parcels of property under this scheme intermingle. The city tax for 1929 was $1.94, the rate on suburban land was $1.28, and on rural parcels 96 cents. The proportion of properties enjoying the lower rates has decreased gradually during the past seventy-five years, rural parcels passing into the suburban category and the suburban into the urban. No figures are available as to the total acreage in these respective classifications. Only the assessed valuations of the properties are known. In 1929 these were 143.9 million dollars on suburban land and 12.7 million dollars on farm land as compared with a valuation of 3,249 million dollars for the city parcels. The suburban and rural parcels were scattered in some fourteen wards. It is seen from these facts that the property taxed at the lower rates represents today in assessed valuations approximately five per cent of the total taxable properties of the city, and yields in taxes approximately one million dollars less than it would yield at the full rate.

Pittsburgh

In Pittsburgh, differentials in tax rates in favor of annexed territories first appeared in 1867, in the statute under which the annexation of that year was made. The clause was transcribed from the act of 1856 which applied to Philadelphia, the rate on rural property being fixed at two-thirds of the full rate. Later when Philadelphia adopted her threefold system of differentials by the act of 1868, Pittsburgh secured a like amendment.[10]

In 1893 the discretionary power of the assessors to classify property was tested in the courts and a ruling was secured which offered guidance to the assessors in their work. Under this ruling "agricultural" or "farm" lands were defined as "tracts of several acres either untillable or used mainly for growing agricultural products"; "rural" or "suburban" real estate—as "districts occupied as residences, mainly by business men of the city, not divided into small lots, but large and of unequal size, ornamented with lawns, trees, shrubbery, flowers, etc."; "city" real estate was defined as "either compactly built up as places of business or residences, or localities contiguous to the built-up portions laid out into small city lots, partly built upon, and rapidly being sold or improved."[11]

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[10] Shelby M. Harrison, "Disproportion of Taxation in Pittsburgh" in *Pittsburgh Survey,* Pittsburgh District: Civic Frontage.

Shelby M. Harrison makes the following observation with respect to the evolution of these three-class systems in Philadelphia and Pittsburgh:

> Thus this three-class system seems to have developed from the 50's on as a result of two things: one, the mania among American cities for extending their corporate limits to great lengths; the other, the theory that taxes are payments for definite benefit bestowed by government upon particular individuals, and its corollary—that in the absence of any part or all of the benefits, the individuals concerned should be relieved of a part of their tax charge. Although the succeeding decades witnessed the development of power, and the spread of transit, lighting, sanitation, and other city services, outside of the downtown districts, the tax discrimination dating from the time of an earlier and more restricted equipment was not for a full half a century readjusted to changing conditions. It was a case of new wine in old bottles, and the result which the parable forecasts was as certain in public finance as in physics.[12]

The investigation of this system of taxation made by the Pittsburgh Survey in 1910 disclosed startling inequalities. Persons "who were able to own property adorned with flower beds and shrubbery, and able to hold intact and out of the market large areas of unplotted city land" were getting one-third to one-half deduction on their taxes, for the assessors acting under the decision quoted were "basing the 'rural' (or 'suburban') class on picturesque grounds and shrubbery and the agricultural class on the presence of woods or large open tracts used in reality or ostensibly for farm purposes."[13] The assessors were returning real estate valuations more than one-fourth of which (28 per cent in 1910) were placed in the suburban and agricultural classes. The excess to which the system was carried in Pittsburgh, as Harrison observes,[14] is illustrated by comparing with Philadelphia, where the 1910 assessment showed the 'rural' ('suburban') and 'farm' valuations combined to be only five per cent of the total city valuations. The bulk of the city's area was in these two classifications.

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[11] *Ibid.,* p. 162.

[12] *Ibid., loc. cit.*

[13] *Ibid.,* p. 163-64.

[14] *Ibid.,* p. 163.

In a word, the inequalities in taxation resulting from this system were of the grossest sort and called loudly for rectification.

In 1912 the findings reported by the survey and the agitation carried on by the civic bodies resulted in abolishing this system and in establishing one rate of taxation for all properties in the City of Pittsburgh.

St. Louis

In St. Louis, the partial exemption of suburban property was introduced in 1855 in connection with the annexation of that year. While the tax rate in the city was limited to a maximum of one-half of one per cent, the tax rate in the annex was not to exceed, for a period of ten years, one-third of one per cent.

In the city-county consolidation of 1878, the scheme of partial exemption was again resorted to in a somewhat different form and with particular reference to vacant lands in the proposed annex. It was provided in the new charter, which was submitted to a vote of the people along with the consolidation scheme, that these lands were to be assessed as "farming lands." In reality much of this land, as was contended by one of the leading newspapers, was not farming land but land held for speculation and assessed by the county at a relatively high rate. Under the proposed scheme, its assessment was to be reduced and the properties, after being taken into the city, were to pay lower taxes than before.

In their appeals to the residents of the proposed addition, the advocates of consolidation made the point that their taxes were to be reduced by "a reduction in the new limits of assessments on farming land."[15] The executive committee of the consolidationists declared in a bulletin that "every part of this territory will be exempt (and justly too) from taxation upon any valuation except that for common farming, until any owner thereof shall change its use from farming to city lots."[16]

[15] *St. Louis Globe-Democrat,* August 21, 1876.

[16] *Ibid.* The editorial referred to in the preceding note explains the scheme as follows:

> "It means that the vast tracts of land just outside the city limits which have opposed the growth of the city for years, and which are worth from $200 to $2000 an acre, are to be taxed, not for what they are worth, but for what they would be worth if they were used for common farming—that is, planted in wheat or corn—and the city has no more authority or control over them than it has over Wall Street lots."

Apparently, these reductions in assessments were effected in the new additions, for the total assessed valuations of the district were substantially reduced after annexation, as has already been shown.

Recently, in the proposal to unite the city and the present county of St. Louis, the scheme of differentials in tax rates in annexed territories was again utilized. The "Scheme of Consolidation" submitted to a vote of the people of the city and county in 1926 provided for the taxation of farm lands taken in to the consolidated city at rates not greater than half the city rate. This was done, of course, because of the fear of the city tax entertained by the farmer. No date for the termination of these differentials was set. However, as described above, the whole scheme was defeated by the county vote.

The Economics and Ethics of Tax Differentials

Tax differentials have been defended on the following grounds: (1) That the annexed suburban and rural districts will not receive the full city services and consequently should not be required to pay the full city taxes; (2) that the expenditures which will be made in these districts will not be large enough to require taxation at the full rates; (3) that to tax them at the city rates would be equivalent to taxing them for the support of city territory; and finally (4) that it would ruin the owners of the suburban and rural properties.

Hardly any of these arguments will withstand close analysis. Granting that the annexed territories do not receive full city services at once, it is nevertheless true, as was shown in previous chapters, that they do receive a considerable volume of these services very soon after incorporation in the big city. City police, fire protection, water, sewers, paving, hospital facilities, health protection, new school facilities—these and other improvements and services are given them by the city at a fairly rapid pace. Some of the territories may receive more services and improvements than others and receive them sooner, but every portion, even the most distant, shares in some of them. On account of modern improvements in transportation and engineering technique, city services are more readily available to outlying sections than formerly. What Shelby M. Harrison says with respect to tax differentials in Philadelphia and Pittsburgh holds true for the acts which established tax differentials in the early days in Baltimore, or later in St. Louis: "These acts were passed before the time of electric street cars, telephone, electric lights, and before it was thought necessary or possible to honeycomb the city with sewer burrows, water mains and gas pipes, or to distribute other municipal services over a very large urban area."[17]

Tax differentials are not justified by present conditions. To conclude that, because the annexed territories will not receive full city services, the city expenditures in these territories will not be large enough to justify taxation at the full city rate is an error. To do so overlooks the fact that the costs of the improvements and services in these territories will generally be greater in proportion to each one hundred dollars of assessed valuation than in the city proper, because of the greater territory to be covered, the vast acres of vacant land representing a "dead run" in the operation and maintenance of the services, and the comparatively small amount of taxable property which will support them. Measured as a percentage charge on assessed valuations, it costs more proportionately to support one policeman per square mile in a suburban or semi-rural section than it does to support four policemen per block in a congested district.

The city tax rate is determined not only by the quantity of improvements and services furnished in the city, but also by the compactness of the population and abundance of taxable wealth in it. If the first-mentioned factors tend to push the tax rate in the city upward, those mentioned second tend to bring it down. The claims for a lower tax rate in suburban and rural territories ignore this peculiar interrelation. They are based upon a consideration of the smaller quantity of improvements and services furnished to them and failure to realize that these cost more per unit of assessed values in the remote territory than in the city proper.

Furthermore, generally because of school expenses, the tax rates in suburban, and sometimes in rural communities, before annexation are sometimes as high or higher than in the city. Even if the city were to do no more for these territories than they themselves had been doing or the county had done for them, a reduction in tax rates in such cases would be unjustified.

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[17] Harrison. *op. cit.,* p. 161.

The fact that the properties in the territory are not receiving full city services and improvements is taken into account by assessors in fixing their assessed valuations. Such properties are naturally valued lower so that even under the full rate the properties pay a lower tax than similar acreage situated in the interior of the city.[18]

The central city benefits the annexed territory in furnishing the various improvements and services at the regular city rate of taxation. It loses on the transaction, but justifies the loss on the ground that it is its duty to furnish services and improvements wherever needed in the city; that to establish a higher tax rate in these territories than in the rest of the city is to violate the principle of equal treatment of its people; and that taxes are not imposed in proportion to benefits secured.

The theory that taxation at the city rate would ruin the owner of property in the rural and suburban territories annexed, on the strength of which the differentials are also urged, is not justified by experience. As shown above, the record indicates, on the contrary, that the owners of such properties are greatly benefited by an increase in the value of their properties.[19]

Schemes of this nature often benefit speculators more than the bona fide suburban residents or farmers, and the rich often more than the poor. Lawson Purdy well stated the case against the tax differentials, in 1908, in a letter to the Baltimore Tax Committee, saying:[20]

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[18] Said the Baltimore Advisory Committee on Taxation and Revenue of 1908 (Report, p. 96):

"As a matter of fact, however, annex property located in an incompletely 'improved' section is less heavily taxed, even when subject to the full city rate, than is similar property located in the heart of the city. This follows from the fact that the tax burden upon property is determined by the assessment value as much as by the rate of the tax. The assessment put upon two identical houses, one of which is located in a less improved annex section and the other in a thickly residential district of the city proper, will inevitably be different, and this difference will correspond roughly to the relative advantages of the two sections from the standpoint of municipal facilities."

[19] What is said here about taxation does not apply to special assessments. The latter may indeed be so high as to ruin the property-owners in the annex.

[20] Quoted in the Committee's *Report*, p. 97-98.

> I regard the City of New York as fortunate in not having what seems to be the wretched practice of Philadelphia, and some other cities of Pennsylvania, and the annexed district of Baltimore. The mayor of Pittsburgh told me that in Pittsburgh the difference in rate between suburban, rural and city land was due to the difficulty of securing the consent of rural districts to annexation, and the low rates were held out as a bribe . . . . The condition was established in Philadelphia at the time of annexation, fifty years ago, when there was, perhaps, some excuse for making a different rate for the land actually used and only fit to be used for farms. A large part of the territory then had no privileges whatever. There was no demand for the land for use other than farming; even under those conditions, if land unimproved formed the basis for the tax for city purposes, it would not have been necessary to have had two rates; but inasmuch as the improvement value on farms is a much larger proportion of the whole than in the city, the city tax rate without city privileges might have been an injustice to bona fide farmers. There never was any excuse that I can see for a separate suburban rate. That rate then applied, I believe, and does now apply, to land which is demanded for city use. To give such property a lower rate is to put a premium on speculation and on the withholding of land from use. I should think that the Baltimore Annex was in the condition of suburban land rather than in the condition of rural land, and therefore not entitled to any lower rate than the Baltimore City rate.

The system involves "the exercise of a very large and almost dangerous discretion by the classifying body"[21] and lends itself readily to favoritism and unjustified discriminations in application. It tends to persist long after the conditions which originally brought it into being and may have afforded some justification for it have disappeared. The groups benefited by the lower tax rates tend to resist any effort at their abolition. Properties which long ceased to be suburban and rural continue to be classed as such and to pay the lower taxes, because of the resistance of the owners to their reclassification. Once the scheme has been adopted in the city in one annexation or consolidation the tendency is to resort to it again in succeeding additions. This was true in Baltimore, Pittsburgh, and St. Louis.

The scheme should be avoided. If it must be applied it should be utilized only as a temporary transitional measure under a progressive tax scale such as was adopted lately in Baltimore.

It is interesting to note that tax differentials of an exactly opposite kind were advocated in the consolidation of New York

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[21] *Ibid.*, p. 96.

City. Here, some citizens of Manhattan urged that each borough constituting the proposed greater city should stand in the matter of taxation and financing of the services and improvements on its own feet, their object being to allow Manhattan to keep its great valuations for itself. Under this scheme Brooklyn, whose tax rate was already higher than New York City's, would have kept on paying a higher rate. The consolidationists of New York City defeated this proposal and wrote the principle of tax equalization (which was what the Brooklynites were demanding) into the consolidation law.

CHAPTER X

CITY-COUNTY SEPARATION AND CONSOLIDATION

The presence of a metropolitan city within the political boundaries of a county raises serious problems relating to duplication of work and conflicts of authority arising from the coexistence of two conspicuous units of local government. In some metropolitan areas efforts have been made to end such duplication by the union, in whole or in part, of the overlapping units. Various degrees of integration have been effected but the schemes employed do not submit readily to classification. The classification adopted in this chapter, however, seems useful as aiding in a definition of the loose term "city-county consolidation" as a means of governmental simplification.

1. *City-County Separation*, i. e., the severance of the territory of the city from that of the county. This involves the consolidation of city and county functions within the city limits and the restriction of the county government to the residue of the former county. Usually it has been accompanied by an enlargement of the city limits.

2. *City-County Consolidation*. Under this scheme the county territory lying outside the city is attached to the city, the city and county are made coterminous, and the governments of the two are, in a large measure if not entirely, consolidated. No county remnant area remains to constitute a separate, and perhaps vexatious, problem.

Indeed, the difference between the above two methods of meeting the city-county problem lies in the different dispositions made of the area lying outside the city limits. With respect to the territory which is in either case consolidated with the city, the effects of the two methods are identical.

3. *Consolidation of Certain Functions*, i. e., the combination of some of the functions of the city and of the county, but without a complete merger of legal or territorial identities. Such functional consolidation may be accomplished irrespective of whether the city and county are coterminous or not.

Although in two or three cases, to be noted later, a drift towards consolidation of particular functions may be observed, only eight of our twenty-nine metropolitan areas have applied with any degree of completeness any of the above three attacks upon the city-county problem. These eight areas are as follows:

City-County Separation[1]	
Baltimore	1851
San Francisco	1856
St. Louis	1875
Denver	1903
City-County Consolidation	
Philadelphia	1854
New Orleans	1874
Brooklyn	1885-97
Functional Consolidation	
New York City	1683-86; 1874; 1898
Boston	1821

In at least three of the above regions—New York, Boston and San Francisco—the original separation or consolidation was made when the cities were relatively small and had not yet assumed metropolitan dimensions.

During the past three decades agitation in favor of city-county separation or consolidation has been carried on in the following metropolitan regions: Chicago, Cleveland, Los Angeles, Pittsburgh, Cincinnati, Buffalo, St. Paul, Milwaukee, Kansas City, Indianapolis, Seattle, Rochester, Toledo, and Portland. Attempts have also been made in San Francisco and St. Louis to extend the principle to territory outside the present consolidated unit. For some reason none of these efforts has yet been successful.

Population and Area Ratios

Table VII shows the ratio which the population of the metropolitan city bore in 1920 to the total population of the county in which it lay in those cases in which separation or consolidation has not been applied. Although embracing in the aggregate but 11 per cent of the area, these cities contained more than 78 per cent of the population of the counties in which they are situated. If the population of the satellite towns lying in the respective counties were added to that of the cities, the proportion would have been still greater. On the surface at least, this situation is a potent argument for the consolidation of the city and county. Why, it is being asked, should two governments be maintained for what constitutes practically one population?

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[1] The arrangement adopted with reference to Queens County in the consolidation of New York City in 1898 was also in a way an instance of city-county separation. The nearer urban and suburban part of the county was attached to the city, and the further suburban and rural part of it was converted into the present Nassau County.

Table VII

Population and Areas (1920) of Metropolitan Cities and the Counties in Which They Lie.[a]

	Population			*Area (square miles)*		
	City	*County*	*Percentage of city's population to county's.*	*City*	*County*	*Perctg. of city's area to county's (square miles)*
Chicago and Cook County	2,701,705	3,053,017	88.4%	192.8	933	20.6%
Pittsburgh and Allegheny County	588,343	1,185,808	49.0	39.8	725	5.4
Detroit and Wayne County	993,678	1,177,645	84.3	77.9	620	12.5
Cleveland and Cuyahoga County	796,841	943,495	84.4	56.4	463	12.1
Los Angeles and Los Angeles County	576,673	936,455	61.5	365.7	4,115	8.8
Cincinnati and Hamilton County	401,247	493,678	81.2	71.1	407	17.2
Buffalo and Erie County	506,775	634,688	79.8	38.9	1,034	3.7
Minneapolis and Hennepin County	380,582	415,419	91.6	99.0	565	17.5
St. Paul and Ramsey County	234,698	244,554	95.9	52.1	161	32.3
Milwaukee City and Milwaukee County	457,147	539,449	84.7	25.3	235	10.7
Kansas City, Mo., and Jackson County	324,410	367,846	88.1	58.4	610	9.5
Providence City and Providence County	237,595	475,190	50.0	17.8	430	4.1
Seattle and King County	315,312	389,273	81.0	58.6	2,111	2.7
Indianapolis and Marion County	314,194	348,061	90.2	43.6	397	10.9
Rochester and Monroe County	295,750	352,034	84.0	29.5	663	4.4
Jersey City and Hudson County	298,103	629,154	47.3	15.4	43	35.8
Louisville and Jefferson County	234,891	286,369	82.0	22.4	387	5.7
Portland, Ore., and Multnomah County	258,288	275,898	93.6	63.2	434	14.5
Akron, O., and Summit County	208,435	286,065	72.8	22.7	408	5.5
Toledo, O., and Lucas County	243,164	275,721	88.1	28.1	342	8.2
Oakland, Calif., and Alameda County	216,261	344,177	62.8	49.4	732	6.7
Columbus, O., and Franklin County	237,031	283,951	83.4	22.6	517	4.3
Atlanta, Ga., and Fulton County	192,186[b]	232,606	82.6	26.2	185	14.1
Totals	11,013,309	14,170,553	77.7%	1,476.9	16,513	8.8%

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[a] Exclusive of the eight cities in which consolidation of local governments or functions has been effected.

[b] Part of Atlanta with 192,186 inhabitants lies in Fulton County and a part with 8,430 inhabitants lies in De Kalb County.

The following table shows the respective city and county area and populations in four instances in which separation was accomplished years ago. It will be seen that these cities now have approximately 91 per cent of the population contained within the original boundaries of the county, although they embrace but 8 per cent of the area of the original county from which they were separated.

Population (1920) *and Area of Four Separated Cities Compared with Population and Area of Counties from which Cities were Severed*

	St. Louis	San Francisco	Baltimore	Denver	Total
Population:					
City	772,897	506,676	733,826	256,491	2,269,890
County	100,737	36,781	74,817	13,766	226,101
Total	873,634	543,457	808,643	270,257	2,495,991
Percentage of city's population to total	88.4%	93.2%	90.7%	94.9%	90.8%
Area (*in square miles*):					
City	61	42	79	58	240
County	487	447	607	842	2,383
Total	548	489	686	900	2,623
Percentage of city's area to total	11.1%	8.5%	11.5%	6.4%	8.4%

Philadelphia and New Orleans, the two present-day examples of consolidation as defined in this chapter, cover areas of 127.9 and 178 square miles respectively, the county or parish being coterminous with the city, and the city and county constituting one governmental unit. In New York City and Boston the normal county functions, other than judicial, have been assumed by the city. The county maintains itself as an entity but with no duties or personnel other than is customary for a judicial subdivision of the state. The combined five counties of New York, Kings, Bronx, Queens, and Richmond are coterminous with the city of New York and comprise an area of 299 square miles. Boston with an area of 43.5 square miles covers 79 per cent of the area of Suffolk County and, according to the census of 1920, contains 90 per cent of the population of that county.

City-County Separation

The history of the city-county separation of Baltimore, the first of its kind in any large city in this country, is somewhat obscure. It was brought about with relatively little public discussion, for it ended a connection between two governmental units which had been but partial in nature and had been growing weaker. Since colonial times the city had possessed separate representation in the legislature and a separate court since 1797 at least.[2] Baltimore was the seat of the county government and shared with the latter the courthouse, the jail and other public buildings, and the services of certain officers such as sheriff, state attorney, and register of deeds. Under the old constitution, however, the city was placed in a judicial district with a neighboring county other than Baltimore County and both the city and county, particularly the former, were dissatisfied with the inadequate facilities for the administration of justice with which they were provided. Baltimore's population and legal business had increased to such an extent as to justify its being made a judicial district by itself. And the county's population and legal business had likewise grown. The city, however, desired an elaborate system of courts to meet the needs of its urban population, while the county wanted a simple judicial machinery. Both were apparently dissatisfied with the fact that they were compelled to share the services of certain officers. Both felt that they were being discriminated against in the matter of representation in the legislature. When these complaints were aired in the constitutional convention of 1851, they led to the adoption of constitutional provisions which opened the way to complete separation of the city and county.

Following approval of the new constitution by the people, the legislature provided for the division of the properties of the two political units.[3]

On the other hand, in San Francisco, St. Louis, and Denver, city-county separation was much more revolutionary in character. In each case it was a part of a comprehensive program of reform of local government advanced by a group of civic leaders as a remedy for extravagance, incompetence, and dishonesty in the management of their city.

The situation in San Francisco at the time had nothing in common with modern metropolitan conditions. The city was primitive in every way, bearing all the familiar aspects of American frontier life. "[The city] was well nigh overcome by the cormorants of society," writes one historian. "There were not enough offices in existence to afford them the spoils they desired."[4] Under their mismanagement the tax rate rose, in the course of two years, from 2 per cent to 4.4 per cent, a large debt was incurred and yet few services were being rendered in return. Crime was rampant and the police were found to be involved in criminal operations.

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[2] S. S. Field, chief city solicitor of Baltimore, writing in the *Baltimore Municipal Journal* of March 8, 1918, says, "Until 1851 Baltimore City was in Baltimore County though she had her separate representation in the legislature as early as 1776 and her separate court as early as 1797."

[3] *Laws of 1852,* ch. 357.

Aroused by this condition, the better elements of the community turned against the spoilsmen with a proposal to reorganize the government. It so happened that the county government was relatively free from corruption. Ascribing this fact to the simplicity of the county form of government,[5] the aroused citizenry decided to apply the same framework to the city. They planned to create a new political unit—larger in area than the former city—which would be governed efficiently by one set of officials under a county form of government.[6]

In San Francisco, separation was formally accomplished by the so-called "Consolidation Act" of 1856. No local referendum on the question was provided. No constitutional amendment was thought necessary inasmuch as the state constitution, which was but five years old, contained no provision which could have possiply conflicted with the scheme. Twenty-three years later the arrangement was confirmed by the constitutional convention of 1879; at which time provisions safeguarding San Francisco's peculiar status and granting the city broad powers of home rule similar to those secured by St. Louis a few years earlier[7] were placed in the constitution.

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[4] Alley, *History of San Mateo County,* p. 157.

[5] It is reasonable to assume that the freedom of the county from corruption was really due to the fact that the county was new and sparsely settled outside the limits of the city, that its functions were few and very simple and that, consequently, there was much less opportunity for plunder than in the city.

[6] Long, Percy V., Consolidated City and County Government of San Francisco, *Proceedings of American Political Science Association for 1911.*

[7] These provisions were contained in Article XI, Sections 7 and 8 of the Constitution of 1879. They have since undergone amendment on several occasions.

St. Louis and Denver, on the other hand, present situations typical of those responsible for later agitation for city-county separation in other metropolitan areas. In each instance the county government was felt to be incompetent and extravagant. In St. Louis it was also complained that the county was plundering the city for the benefit of the outside territory. In both cases the remedy for inefficient city government was sought, not in the substitution of the county form for the city form, as in San Francisco, but in the improvement of the latter.

In both St. Louis and Denver the movement for city-county separation was closely related to that for municipal home rule. The separation of the city from the county was advocated in part as a measure destined to give the people of the city a more complete control over the whole structure of local government. The scheme of separation was, therefore, in both cases incorporated in a constitutional amendment granting to the people the power of home rule; and was bound up, inextricably, with reform of the city charter. It was thought by some that the proposed changes would "increase the importance of the citizens and decrease the importance of the official class."[8]

The objections to duplication of authority between the City of St. Louis and the county and to expenditure of city funds in the outside county was thus stated by the newspaper which was the leading advocate of the scheme:[9]

> There are two cumbersome and costly governments in St. Louis today—one the regular city government . . . . the other the county government . . . . The county government, in point of fact, has nothing to do with city affairs, it sits within the municipal limits to govern a territory entirely outside these limits . . . . The county expenditures generally run over the appropriations, for the county court is a sort of irresponsible body, with power to spend money pretty much as it pleases to. Its largest item of expenditure ($300,000) is for roads and bridges in the rural part of the county . . . . [10] The separation scheme is simply a proposition to get rid of one of these costly governments and the expense of maintaining it—to remit the rural portion of the county to the simple and cheap form of administration suitable to it and leave the city to its unclogged municipal machinery—to allow the city to govern itself and the county to govern itself.

[8] *Missouri Republican,* August 22, 1876.

[9] *Missouri Republican,* August 16, 1876.

[10] The opponents of the separation parried with the statement that most of these road expenditures were made in the suburban periphery which the city was about to annex. See *St. Louis Globe,* August 18, 1876.

The reasons for the advancement of the similar proposition in Denver are summarized by Dr. King as follows:[11]

> There had always been numerous conflicts between the urban section of Arapahoe County and its vast semi-agricultural section, which stretched eastward to the Kansas line, a distance of over one hundred and sixty miles. It was now proposed to create out of the western end of Arapahoe County a small county of homogeneous interests . . . . To create a city and county that would include the homogeneous urban district, that would consolidate the two governments, thus making for economy and centralization of responsibility, and that would make county and city affairs subject to identical elections, offered a solution to Denver's governmental and business problems that appealed to the good business sense of many a Denver elector. This could be done, however, by constitutional amendment only, and hence, another favorable influence was put back of the home rule movement.

In St. Louis the procedure in securing separation was as follows: (1) Preparation, by the St. Louis delegation to the constitutional convention of 1875, of a provision authorizing city-county separation under certain conditions, and empowering the city to frame its own charter; (2) adoption of the provision with some modification, by the convention; (3) approval by the people of the new constitution with the above provision included;[12] (4) election by the people, pursuant to the new constitution, of a board of thirteen freeholders to prepare a scheme of separation and a charter for the city; and (5) submission of the separation plan to the qualified voters of the city to be enlarged.

In Denver, separation was sought through a constitutional amendment mandatory in effect.[13] In the case of St. Louis the constitution left it to the board of freeholders to determine how much of the county territory was to go to the city and how much was to be left in the county. For Denver, however, the amendment itself determined this question by prescribing that the separation was to go into effect at once, but the people of the city were granted exclusive power to make, alter, revise, or amend their charter. Within ten days after the adoption of the amendment, a charter convention of twenty-one members was elected and the charter prepared by them was later accepted by the voters in 1903.

[11] King, Clyde L., *History of the Government of Denver,* p. 220.

[12] Article IX, Sec. 20, of the present constitution.

[13] The amendment was adopted in 1902 and appears as Article XX of the state constitution.

To summarize: In three of the four leading examples of city-county separation, constitutional revision was deemed necessary before a satisfactory arrangement could be completed. In the case of San Francisco no amendment was thought necessary in 1856 but in 1879 her citizens confirmed her unique position by constitutional amendment. In the cases of Baltimore and Denver the arrangement was made mandatory by the constitution; in the case of San Francisco it was imposed by legislative act without referendum of the people. Only in the instance of St. Louis was separation from the county and consolidation of the severed part with the city referred to the popular vote. But the vote was counted for the territory (city and county combined) as a whole, with the result that the city could annex the territory against the will of that territory and of the remainder of the county which was to suffer the loss. It was not provided, as was done in 1926, that the vote of the city and county be computed separately. The arrangement, consequently, so far as the county territory was concerned, was forcible in effect.

Frequently it will be found that the state constitution contains provisions blocking effective city-county separation or consolidation. As was the case with respect to Baltimore, St. Louis, and Denver, little can be accomplished under such circumstances until enabling amendments have been added to the fundamental law. For example, the following provisions of the Wisconsin constitution are deemed to prevent city-county consolidation for Milwaukee:[14]

1. The so-called uniformity clause which reads: "The legislature shall establish but one system of town and county government which shall be as nearly uniform as practicable."
2. A specific provision for boards of supervisors in the counties empowering the legislature to confer upon these boards "such powers of a local legislative and administrative character as they shall from time to time prescribe." (Art. IV, Sec. 22). This has been interpreted by the courts as proving "the importance of the county and county government in the estimation of the people who adopted the constitution."
3. Prohibition upon the passage of special legislation for the incorporation of any city, town or village or the amendment of the charter thereof. (Art. IV, Sec. 31, sub. 9, and Sec. 32.)
4. The provision forbidding the legislature to create a county of less than a certain area (in the Wisconsin constitution, 900 sq. miles).

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[14] Abstracted from a paper by Nathan Glickman, Esq., *Legislative Phases of Consolidation,* before Merchants' and Manufacturers' Association of Milwaukee, published in the Association's Bulletin for December, 1908.

5. The requirement that each county must have a sheriff, coroner, register of deeds, district attorney and a clerk of the circuit court and fixing the time of their election (Art. VI, sec. 4; Art. VII, Sec. 12) and providing that they be elected. (Art. XIII, Sec. 1.)

6. The constitutional limit upon the amount of indebtedness of any county, city, town, village, or school district at five per cent of the value of the taxable property therein (Art. XI, sec. 3). This provision permits the city and county together to incur a debt up to 10 per cent, but would limit them under a scheme of consolidation or separation to 5 per cent.

All or some of the foregoing limitations upon the state legislature are found in many constitutions.

Analysis of Schemes of Separation

(*a*) *Additional Territory*

It is natural that proposals for city-county separation should provide that in leaving the county the city shall take with it the suburban territory which economically is a part of it. Of the four instances of completed city-county separation, in only one—that of Baltimore—was it accomplished without an enlargement of the territory of the city. In San Francisco and St. Louis the enlargement was considerable, the area of the city being increased in each case from three to four times. In Denver, the increase was relatively small.

The area of St. Louis was enlarged more than 300 per cent, partly because of the peculiar wording of the constitutional amendment which was silent as to the possibility of future extensions. Under these circumstances, the authors of the scheme endeavored to take in enough territory to make any further extension of the city's boundaries forever unnecessary. The *Missouri Republican*, arguing for the scheme, asserted that "it secures the city from future extensions of its limits."

Although the area of Denver was enlarged but moderately, the sponsors of the movement took the precaution to insert in the constitutional amendment a provision that the city might in future extend its boundaries in exactly the same manner as in the first case. The fact that a territory lies in a county other than Arapahoe (from which Denver was severed) constitutes therefore no obstacle to its annexation to the city or consolidation with it. Upon its merger with the city the territory ceases automatically to be a part of any other county. Nor can the mother county prevent part of its territory from going over to the city. With this provision assured, it was not necessary for the authors of the Denver scheme to extend the boundaries of the city to cover its needs "forever."[15]

In a few proposed but unsuccessful schemes, provision has been made for a possible alternative disposition of the residual county territory by annexing it to one or more neighboring counties instead of setting it up as a county in itself.

(*b*) *Legal Status of Separated City-Counties*

The legal status of cities thus separated from counties and assuming county functions is peculiar. Baltimore and St. Louis each continued to be recognized in law as a "city lying in no county." Yet with respect to St. Louis the courts have held that though it "is not a county in the ordinary sense used in the consituation, it is in a qualified sense a county in that it is a 'legal subdivision of the state' and performs the functions of a county";[16] and that although "St. Louis is not by name a county, nor within the limits of any county, it is for many purposes throughout the statutes treated as a county."[17] San Francisco and Denver on the other hand, were each constituted by their particular acts of separation into counties by themselves. Each became in law a hybrid organization known officially as the "city and county of ...."[18]

From a legal point of view it makes a difference whether the city is called a "city" or a "city and county," for upon the name may depend the applicability of general legislation relating to cities or counties.

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[15] Article XX, Sec. 1 of the *Constitution of Colorado.*

[16] Wagner, Hugh K., *Revised Code of St. Louis—Annotated,* 1914; introductory note to city charter.

[17] *State ex rel.* v. *Dillon,* 187 Missouri, at 491. The *1909 Revised Statutes,* sec. 8057, subdivision 19, provide that "whenever the word 'county' is used in any law general in its character to the whole state, the same shall be construed to include the city of St. Louis unless such construction be construed inconsistent with the evident intent of such law or of some law specially applicable to the city."

[18] Section 1 of the San Francisco Consolidation Act of 1856 read in part as follows: 'The corporation or body politic and corporate now existing and known as the city of San Francisco, shall remain and continue to be a body politic and corporate in name and in fact by the name of the City and County of San Francisco."

(c) *Treatment of City and County Offices*

In both the consolidated city and in the county remnant, schemes of city-county separation have involved certain readjustments in governmental organization and layout. In the residue of the county, a new county was set up, with a new list of county officials. In the city, certain county offices, performing functions similar to corresponding city offices, were consolidated with them, or vice versa. Other county offices, particularly those forming a part of the state's judicial machinery, e. g., judges, prosecuting attorneys, clerks of courts, and registers of deeds, were continued as before with jurisdiction limited, of course, to the city boundaries.

Table VIII shows what happened to the city and county offices in the four examples of separation.

It will be noticed from this tabulation that in each of the four examples a consolidation was achieved between the governing body of the county and the city council, that in at least three of the four instances a number of administrative offices were consolidated with corresponding administrative offices of the city, but that the offices for the administration of justice continued intact. In Denver alone, under a very broad constitutional provision, was home rule in the determination of the method of election or appointment of all the offices taken over from the county, including the so-called constitutional offices, vested in the city. In the other cases the methods of selection were fixed in the constitution or were made subject to state law. Yet even in Denver the status of these offices was determined in the final analysis by judicial interpretation.

In Baltimore, under the constitution of 1851, the separation of the city and county judicial administration was to take effect at once. In St. Louis separation of judicial offices at first was accomplished only in part: the city and the county were to have separate "county courts" but were to continue in the same judicial district, until the legislature should decree otherwise.[19] The legislature did so decree the following year.

Naturally, changes so unusual as these have given rise to litigation. Almost every feature of the constitutional and statutory

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[19] Article IX, Sec. 24, *Missouri Constitution.*

Table VIII

Consolidation of City and County Offices in Baltimore, San Francisco, St. Louis, and Denver[a]

City	*Principal county and city offices consolidated*	*Principal county offices continued*
Baltimore	County commissioners superseded by city council County treasurer superseded by city treasurer	judges clerks of court state attorney sheriffs constables coroners justices of peace notary publics excisors register of wills surveyor
San Francisco[b]	Board of supervisors superseding city council County treasurer consolidated with city treasurer County attorney consolidated with city attorney County assessor consolidated with city assessor Recorder consolidated with mayor and ex officio recorder Marshall consolidated with chief of police	judges clerks of court district attorney sheriff coroner public administrator surveyor
St. Louis	County court superseded by city council County sheriff superseded by city sheriff County marshall superseded by city marshall County collector superseded by city assessor County surveyor superseded by city surveyor	judges clerks of courts register of deeds (now called city recorder) prosecuting attorney constables coroner justices of peace notary publics public administrator
Denver	County commissioners superseded by city council and city departments County sheriff superseded by chief of police and later by commissioner of safety County treasurer consolidated with city treasurer County assessor consolidated with city assessor County clerk and recorder superseded by city clerk County attorney superseded by city attorney County surveyor superseded by city engineer County superintendent of schools practically superseded by city superintendent; (retained only nominally)	judges district attorney justices of peace coroner

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[a] Prepared from the San Francisco Consolidation Act of 1856; Art. IV, of the Maryland Constitution of 1851; Article IX, Sec. 20, of the Missouri Constitution of 1876; Hugh K. Wagner, *Revised Code of St. Louis;* Art. XX, of the Colorado Constitution; articles of Percy V. Long and F. J. Young in the *Proceedings of the American Political Science Association* 1911; and Clyde L. King, *History of Government of Denver.*

[b] This scheme of 1856 was modified by the freeholders' charter approved by the voters in 1898 and effective on January 1, 1900.

provisions has suffered the interpretation of the courts. The degree to which the municipality has been permitted to regulate the consolidated offices has depended upon the courts' answer to the question whether they are state offices or municipal offices by nature.

It has been held by the courts of Missouri that certain officers of the city of St. Louis are in reality state officers. Therefore, the acts of the legislature governing their selection, compensation or duties supersede the municipal charter. Consequently the legislature has been able to circumvent the city's home-rule status and to continue its control over certain aspects of St. Louis government.[20] Thus the Missouri courts have held that circuit court clerks, election commissioners, sheriffs, and constables are all state officers.[21] With respect to the method of election or appointment of some of these officers definite provisions exist in the constitution.[22]

(*d*) *Dispositiou of Public Property*

In Baltimore, the disposition of the property held jointly by the city and county was determined by negotiation. The county sold to the city half of its interest in the courthouse, jail, record office, and other public property within the city, but the city agreed to let the county use these buildings for three years from January 1, 1855, on the condition that the county would pay its proportion of the maintenance expense.

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[20] In *State* v. *Bus.*. 135 Mo. 325,327 (cited by Wagner, *op. cit.*) the court said:

"While the city of St. Louis is strictly a municipal corporation its territory is also a subdivision of the state, in which officers are elected to perform the functions of the state government as distinguished from those pertaining to municipal government. Those officers are in no sense municipal officers. Their designation as officers of the city of St. Louis refers to their territorial jurisdiction rather than the governmental duties they perform. They are officers under the laws of the state and perform their duties within the city limits."

In *State* v. *Matthews,* 94 Mo. 117, the power of the legislature to change the tenure of office and dates of election of officers as fixed in Section 3 of the Scheme of Separation was sustained. The case referred particularly to the clerks of courts under a law of 1877. See Wagner, *op. cit.* p. 508.

[21] See Wagner, *op. cit.,* p. 572.

[22] Thus the constitutional amendment provided, for example, that the sheriff and coroners shall be elected for a term of four years and that the legislature shall provide for the election or appointments of other county officers.

In St. Louis the conditions governing distribution of property were fixed in considerable detail.[23] All public buildings, institutions, parks, and property of every kind owned and controlled by the old county and located within the limits of the city, including the courthouse, the jail, the insane asylum, and the poorhouse, were to be transferred to the ownership of the city. In consideration of this, the city was to assume the existing county debt and park tax. Thus the residual county was to start without any public property other than the parcels of land it owned outside the city limits, but free from debt. The county was authorized, however, to continue to send its paupers and insane to the institutions then in existence and the city was to charge the county the actual cost of this service. All property held by the county for school purposes in the territory to be absorbed by the city was likewise to be transferred to the city. Where a school district was bisected by the new city limits, the school property therein was to be divided; but if the property could not be divided, reimbursements were to be made by one side to the other according to the ratios of assessed valuations in the two sections of the district. Any disagreement was to be submitted to arbitration.

(*e*) *Limitations on Taxation and Indebtedness*

In three instances (San Francisco, St. Louis, and Denver) the taxing and borrowing powers of the city were drastically limited. Instead of retaining a double borrowing and taxing power —that ordinarily exercised by a city as such and the county as such—the consolidated territory was limited to the rights enjoyed by a single unit. Indeed, San Francisco was for the time being altogether denied the right to borrow money, and its taxing power was limited to a maximum rate of 1.25 per cent, exclusive of the state and school tax.[24] The school tax was limited to a maximum of 0.35 per cent.

St. Louis was limited to a tax rate of 1 per cent for city purposes plus any amount necessary to meet its annual debt charges. The debt was limited to the amount of the annual revenue, i. e., to an amount not much in excess of 2 per cent of the assessed valuation. In other words the city was practically forbidden to borrow. And yet it was expected under these limitations to supply its own purely municipal needs and those of the new territory annexed to it, and to administer those activities taken over from the county.

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[23] See *Scheme of Separation,* in Wagner, *op. cit.*

[24] It was provided, in addition, that should the tax necessary to provide for the debt exceed the rate of the former county tax, then such increased tax rate shall be levied only within the old limits of the city. (Consolidation Act of 1856, Sec. 4.)

Denver was limited by the separation provisions to a total tax rate of 1.5 per cent and to a borrowing power of 3 per cent of the assessed valuations.

Popular Opposition to Separation

The chief opposition to proposals looking to city-county separation comes generally from the residents of the territory which is to continue as the old county and from the county officials themselves. Some city officials and some residents of the city may oppose the scheme but this seldom happens.

The arguments advanced by the opponents of separation in St. Louis in 1876 are typical of what may be expected in any such campaign. They pointed out that the county was about to lose its richest part—the part which had been furnishing the main support of the county government. They recognized that the city furnished the larger share of the money with which roads were being built and other services supplied in the rural districts. Naturally the county residents did not want to surrender this subsidy. Higher taxes would result since the remnant of the old county would be compelled itself to maintain a complete county government with a complete set of officials. It was a matter of pride with many that the richest city of the state was in the same county with them. They did not want their county, as they said, "cast away," "repudiated" or "divorced" by the city. In vain did the proponents of the scheme try to prove to the people of the county that their fears were unfounded.[25]

County officials and politicians, averse to separation because it threatened to deprive them of their jobs or, at least, to reduce their authority or patronage, raised a fund by assessments among themselves and their employees to fight the proposal.[26]

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[25] The county vote was almost 4 to 1 against separation.

[26] No objections against expedients of this nature were voiced in the county; "I don't agree with the assessing system for political purposes," said one of the citizens opposed to the scheme, according to the *Globe-Democrat* of August 6, 1876, "but in this case I don't mean to say anything about it till after the scheme is defeated."

The hostility of such city officials and politicians of St. Louis as opposed separation was due principally to the fact that under the proposal they were required not only to take over the functions of the county government but also to take charge of large added territories. Although compelled to assume additional duties requiring unusual expenditures, they were not to be provided with larger taxing or borrowing powers. In fact their taxing and borrowing powers were to be curtailed under the charter which was to accompany the separation. Finally, some residents of the city were opposed to the proposal because it involved large annexations of territory to the city and was bound to lead, in their judgment, to an increase in tax burdens.[27]

The St. Louis separation plan won, but only by a relatively narrow margin.[28]

In Denver, the opposition was unable to prevent the adoption of the constitutional amendment by the state at large. The population of the residue of the county was very small, numbering only a few thousand, and was apparently not much concerned in the matter. Although actively antagonistic, the county officials could accomplish relatively little. Choosing the courts as their field of action, they managed, however, to open a more effective attack on the scheme immediately after its adoption, directing their assault against those provisions which consolidated city and county offices. Their efforts were crowned with success in 1905, when a court, which was distinctly political in its composition, rendered a decision invalidating this feature of the scheme. The court held that the determination of the terms of office or other regulations relating to persons performing the duties of county officers were matters for state legislation, and that to confer upon any city or county the power to enact such legislation was subversive both of the state's interest and of the state constitution.[29] It declared, in other words, a constitutional amendment to be unconstitutional. Under this decision a duplicate set of county officers—treasurer, auditor, sheriff, etc.—was immediately set up, but as the "county" was now coterminous with the city, there was hardly any work for them to perform.

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[27] The suggestion sometimes made that the remaining county territory be annexed to another county, which would seem to obviate some of the difficulties sketched above, may prove inacceptable to both parties. The residents of the remnant county may have a sentimental attachment to the historic county name and dislike to see it wiped out of existence. On the other hand, the authorities and residents of the other county may not wish to annex the territory partly because of a fear that its annexation may increase their tax burdens, one element of additional expense being the construction of new roads connecting the new territory with their county seat. A more potent reason, however, probably is that the change may disturb the political organization of the county.

[28] The vote as reported by the board of elections was 12,726 in favor of separation, and 14,142 against separation. As corrected by a recount the vote was 12,181 to 10,928.

This grotesque situation continued until 1911 when, the composition of the supreme court having changed, a reversal of the decision was secured. The court, in the later opinion, ruled that "to confer upon the people of a particular community authority to designate the agencies by which governmental duties therein shall be discharged, was fully within the power of the people of the state, and was obnoxious neither to the state nor national constitution." "It was clearly stated in the decision," says Dr. King,[30] "that the people have a right to amend their constitution as they see fit and it is the duty of the court to give effect to the expressed will of the people as set forth in their constitution" and "that it is perfectly constitutional to provide that one set of officers shall perform city and county functions and that such a provision does not violate any guaranty of a republican form of government." The decision was appealed to the United States Supreme Court but was sustained; and the scheme of city-county separation and merger of the city and county functions within the city was fully accomplished.

In San Francisco, the county territory from which the city was to be separated displayed no vigorous opposition to the loss. The city had been so mismanaged that the people of the county apparently thought that the separation would be of advantage to them.[31] The city politicians who might have opposed it were thoroughly discredited in the eyes of the legislature.

In Baltimore, as already stated, the conditions were peculiar and the final act of separation, which merely completed a tendency long in operation, was accomplished with the concurrence of all parties concerned.

[29] King, Clyde L., *History of the Government of Denver,* p. 247; and *People* v. *Johnson,* 34 Colo. 143.

[30] King, *op. cit.,* p. 249.

[31] In none of the histories of the county of San Mateo which have been examined, has any complaint of the fact that the county was separated from the city been found.

Multnomah County, Oregon

The strenuous but unsuccessful effort on the part of Portland, Oregon, to simplify through separation the confused governmental conditions within its metropolitan region is worthy of a brief word. The government of the Portland region is divided among three counties, eight municipalities, and various school districts, water districts, boards, and agencies amounting to almost seventy in number. As originally initiated, more than ten years ago, the movement for simplification was distinctly a city-county consolidation (as distinguished from separation) effort; and a resolution introduced into the legislature in 1919 called for a constitutional amendment providing for complete unification of the city with the whole county. Later the commission which drafted an amendment submitted to the voters in 1927 refused to commit itself on the question of separation versus consolidation, and the amendment as drafted was designed to permit either method of political unification of the region. This amendment authorized Portland to merge its government with other local "bodies politic" in Multnomah County under a charter to be drafted locally.

The consolidated unit was to be on the federal or the unitary plan. The charter when framed, however, was to be submitted to the people of the outside territory which was proposed to be consolidated as well as to the people of Portland. A majority vote in both territories favorable to consolidation was to be necessary to the adoption of the charter. The legislature was to make provision for the government of the country area not included within the consolidated city. It will be noted that the amendment applied only to Multnomah County. This was due to formidable opposition in the legislature to including the metropolitan territory lying within the other two counties.

The proposed amendment encountered heavy attacks from the politicians and the Grange, and was defeated at the polls. It did not even carry Multnomah County.

City-County Consolidation

City-county consolidation, i.e., extending the boundaries of a metropolitan city to the limits of the county and consolidating the city and county governments, has been agitated most forcefully where the city and its suburbs together have embraced a substantial part of the county area. Such a situation obtained in Philadelphia prior to 1854 and, to a greater or lesser degree, exists today in Chicago, Pittsburgh, Cleveland, Cincinnati, Milwaukee and St. Paul. In such cases the rural residue of the county is not large enough to justify its erection into a separate county; and complete consolidation of the two territories, rather than sloughing one from the other, is appropriate in effecting integration of the city and county governments. By means of consolidation, such integration can be accomplished without destroying the unity of the county or abandoning the rural section to its fate. Through such consolidation, the bonds between the rural and the urban territory are strengthened, and the way is paved for more extensive use of the tax resources of the city in developing the rural areas. To gain this benefit these sections are ordinarily required to surrender the independent existence of their town or city governments. This, however, they are often unwilling to do, and it is not indispensable that they should do so. A modified scheme of consolidation in which the smaller political units survive may be employed. Under such a plan the city will be organized along very different lines from those which have been followed in the usual examples of city-county consolidation. The new inclusive government becomes a federated city.[32]

The Aims of Consolidation and the Opposition to It

It is not necessary to enter into any very detailed discussion of the reasons which have until the present prompted the consolidation of city and county. In Philadelphia such consolidation was the direct outgrowth of agitation for the enlargement of the boundaries of the city and the merging of the several surrounding municipalities with it. The first bills introduced in the legislature provided for the extension of the city boundaries without change in the relation between city and county. The proposed new boundaries of the city contained only the more or less densely settled part of the county. However, the sponsors of the measures soon concluded that the rest of the county should be included and the county government eliminated.

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[32] For a description of a federal organization of municipal government see Chapter XVIII.

More recently, elsewhere, however, agitation for city-county consolidation has had its principal source in dissatisfaction with the county government, which has seemed to lag behind the city government in services performed; and in a desire to reduce governmental expenses by eliminating duplication of offices. These motives are in part identical with those underlying the city-county separation movements described earlier in this chapter. Mayo Fesler says on this point:

> The movement to consolidate city and county governments in the urban communities of Ohio was begun in 1916 by the Civic League of Cleveland. A report was prepared showing that there were, at that time, 92 political subdivisions in Cuyahoga County, that 810 offices were filled by election in those 92 political units and that over 10,000 officers and employees were appointed. The possible plans of community coöperation and consolidation were set forth and the conclusion was reached by the committee that 'the only way to insure these populous cities and counties a form of government under which they can secure a maximum of efficiency with a minimum of expenditure is to give them the power to perfect a complete consolidation of their city and county governments into one municipal government and thus eliminate every unnecessary duplication in offices and functions.

Generally, schemes of this nature meet with as much antagonism as do schemes of separation. A substantial proportion of the residents of the suburban and rural sections oppose their adoption because of the loss of political independence involved. County officials object because their authority will be curtailed or their jobs eliminated. These considerations have been sufficiently dealt with in connection with annexations and city-county separation.

Procedure

The two early instances of city-county consolidation—Philadelphia and New Orleans—were brought about by acts of the legislature alone. In Philadelphia, particularly, no need was felt for an amendment to the state constitution. Later, however, in framing a new state constitution, clauses were included for uniform county government which had a bearing upon the consolidation scheme in force in Philadelphia. The framers of this constitution apparently failed to realize the necessity of exempting Philadelphia from the operation of such clauses if its peculiar status was to be preserved without embarrassment.[33]

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[33] For a description of the complication which developed on that account see page 194.

Nowadays, as in the case of city-county separation, a constitutional amendment is usually deemed necessary to make a scheme of city-county consolidation effective.[34] In Ohio, for example, the advocates of consolidation sought first of all a constitutional amendment enunciating the principle of county home rule. In the first attempt to secure an amendment provision was made that consolidation should become effective if approved by the people of the county as a whole. Later attempts provided not only for a favorable vote of the county as a whole, but also a separate favorable vote in the individual incorporated places in the county. The draft introduced in the legislature of 1925 laid down as a prerequisite to consolidation the approval by a majority vote of a majority of the municipalities within the county.[35]

Even in this mild form the amendment made no progress. It was opposed by the league of the smaller cities and boroughs of Cuyahoga County and by the county authorities of Hamilton County.

The unsuccessful attempt at consolidation in St. Louis in 1926 involved the following steps:

1. The adoption of a constitutional amendment in 1924 authorizing the creation of a board of freeholders, consisting of nine members from the city and nine members from the county.
2. The preparation by this board of a scheme under one of the three plans stipulated in the constitutional amendment as follows:
    - (a) Territorial and governmental consolidation of the city and the county.
    - (b) Extension of the city boundaries to embrace the area of the county and the reorganization of the county and city governments.
    - (c) Enlargement of the city by annexation of a part of the county, the city to have exclusive jurisdiction over the part annexed.
3. Acceptance by the voters of both the city and the county, voting separately, of the scheme submitted by the freeholders.

This method of procedure was far from perfect. It precluded the consideration of any other plan than those described; and made no provision against a possible tie vote in the board of freeholders. As it turned out, the vote in the board was tied. Session after session[36] was spent in futile haranguing and in the offering of resolutions by one side, only to be voted down by the other. On the eve of the board's passing out of existence, the city delegation succeeded in persuading one of the county delegates to vote to submit Plan (c) to the people, thus completing the majority required to present any scheme for a vote. It is said that the county delegate voted for the proposal not because he approved of it but in order to give the people the opportunity to vote on something. The form of organization of the board prevented a dispassionate consideration of the issues involved.

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[34] See page 178.

[35] The former advocates of city-county consolidation under a unitary government in Cleveland are now considering the federated plan as being more practicable in view of the continued separatism of the suburban communities. For a description of recent activity in Cleveland see Chapter XVIII.

The proposal of the freeholders was approved by the voters of the city, but, as was to be expected, was defeated in the county at a special election on October 26, 1926. In the city the vote was seven to one in favor but only 22 per cent of the eligibles voted. In the county, on the other hand, the vote was two to one against consolidation, and 67 per cent of the registered voters voted—a proportion unusually high for local elections.[37]

It is interesting to note, as the *St. Louis Post Dispatch* indicates,[38] that "the greatest strength of the merger advocates [in the county] lay in the communities just outside the city limits forming a fringe from Carondelet to Baden." Much of this territory was "heavily populated but unincorporated territory, confronted with numerous urban problems which have not, in many instances, been met under county government." In this strip, about two miles in width, 29,981 registered voters, or 60 per cent of the county voting strength, were located. If it had not been for one incorporated city in the strip—Webster Groves, which was the center of the anti-annexation sentiment and voted 2509 to 850 against the proposal—the vote in the urban fringe would have been very close. "A good deal of the opposition to the merger," said the above paper, "was in the incorporated suburbs, especially those farthest from the city."[39] These felt they were enjoying, and were unwilling

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[36] *Journal and Debates of the Board of Freeholders of the City of St. Louis and County of St. Louis*, 1925-26.

[37] The vote was as follows:

	For	*Against*	*Total Vote*
County	10,962	23,059	34,021
City	54,558	8,067	62,662

[38] October 27, 1926.

[39] *Ibid.*

to surrender, good town government with local control of local affairs. The total vote of the thirteen incorporated suburbs was: for merger, 5811; against, 9,288. These towns contained 46 per cent of the voting strength of the whole county.

Philadelphia and St. Louis

Two schemes of outright city-county consolidation will be analyzed—the one adopted in Philadelphia in the middle of the past century, by the procedure already described, and that defeated in St. Louis nearly seventy-five years later.

In Philadelphia, by the terms of the consolidation act of 1854, the city and the county continued to exist as separate legal entities but their respective functions were merged.[40] The governing body or bodies of the county[41] were abolished and their functions were transferred to the city council; the offices of county treasurer and county auditor ceased to exist and in their places were established a city treasurer and a city controller, "both to a large extent subject to city council's control." Title to all county property was vested in the city, and a new office was established—that of city commissioners (three in number) to take over the duties of county commissioners with reference to assessments, elections, selection of jurors, and like matters, under the direction and control of the city council; the city commissioners together with the city treasurer and receiver of taxes were to act as the board of revision of taxes, possessing, however, no final authority, and subject to appeal the city council.[42] Finally, all the judicial and legal offices of the county, such as judges, prothonotary, register of wills, recorder of deeds, clerk of quarter sessions, district attorney, and coroner, were continued, but the control over their finances, i. e., the authority to make provision for their expenses and housing, was assumed by the city council.

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[40] While extending the boundaries of the city "so as to embrace the whole of the territory of the county of Philadelphia" the act provided at the same time that "the county of Philadelphia shall continue to be one of the counties of this Commonwealth, and all county officers not superseded by this act, shall continue . . . . to be elected and voted for . . . . as in other respects now provided by law, and be denominated officers of the county of Philadelphia."

[41] There were two such governing bodies in the county at the time; one was the regular board of county commissioners; the other, superimposed upon it, was the so-called "county board" composed of the senate delegation from the county and established as a check against the former. No action of the county commissioners involving a tax levy, appropriation, or other important matter was valid unless approved by the county board.

[42] Later a special board of revision of taxes was created.

This brief account shows that the merger of the two political units was quite complete for its time.[43] In 1874 a new constitution was adopted in the state. In drafting its sections dealing with municipal and county governments, no adequate consideration was given to the peculiar organization of government which obtained in Philadelphia and the necessity, if this organization was to be modified later, of making appropriate exceptions to these provisions. As a result, some years later several features of the consolidation were declared by the courts to have been changed by the constitution, and the county government was reëstablished to some degree at least as a separate political organization. Thus the offices of the city treasurer and city controller were declared by the Supreme Court, in 1883 and 1891 respectively, to be "county offices" and hence subject to the constitutional provisions applying thereto.[44]

Under the new constitution the city commissioners became "county officers"; and the officers usually composing the county government such as the sheriff, coroner, prothonotary, register of wills, recorder of deeds, clerks of the courts of oyer and terminer and quarter sessions, and the district attorney, were given a constitutional status. The legislature was greatly restricted in its power to deal with these offices. It could not abolish them or make them appointive or delegate to the mayor and city council the power to control them. For these reasons it has been impossible to modernize the county structure so as to fit it more gracefully into the consolidated organization to meet advancing ideas of municipal government.

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[43] The material here presented is drawn from the pamphlet *The City and County of Philadelphia, a Discussion of Their Legal Relation,* prepared by Clarence G. Shenton, and published by the Philadelphia Bureau of Municipal Research (1923). Mr. Shenton writes (p. 16):

> It seems especially significant that the county commissioners, the representatives of the county as a corporation, were superseded and their powers transferred to city councils. This fact raises the question whether it was not the intent that thereafter the county was not to be a corporate entity distinct from the city; whether the city and county were not merged into a single corporation. The only thing which militates against this interpretation is the declaration that "the county of Philadelphia shall continue to be one of the counties of this Commonwealth." This leaves it somewhat doubtful whether a single corporation was to serve in a dual capacity or whether two corporations were to be governed by identical officers.
>
> As a practical matter it makes little difference whether the city and county were two corporations or one. The essential fact is that the agencies established to govern the city were also placed at the head of the county-government.

[44] In the cases of *Taggart* vs. *Commonwealth,* 102 Pa., 354 and *Commonwealth* v. *Oellers* 140 Pa. 457. The former was the first case in which the effect of the new constitution on the consolidation was an issue.

The city commissioners who ceased to be city officers became county commissioners in fact but without assuming certain legislative functions in "county affairs." The city council continued as the agency levying the taxes, making the appropriations and authorizing the issuance of bonds for both city and county purposes but over a large part of the county appropriations it has merely nominal control, these being largely fixed by the laws of the state or placed by the laws in the discretion of the "county officers" and thereby made mandatory upon the council.

The incorporation in the constitution of 1874 of a prohibition upon the legislature against passing special and local laws regulating city and county affairs has further served to complicate the Philadelphia situation and has contributed to the partial divorcement of its city and county governments. Although the courts have permitted a certain classification of cities and counties, enabling the legislature to deal individually with the city of Philadelphia or with the county of Philadelphia, the prohibition against special legislation has prevented the legislature from dealing with the city and the county as a consolidated government, since there is only one such in the state. "Legislation for Philadelphia has had to have the appearance of being intended for other cities and counties, and as other cities are not consolidated with counties, or counties consolidated with cities, legislation for Philadelphia as a city has been open to the interpretation that it is not intended to apply to Philadelphia as a county, and vice versa."[45] For this reason, the legislature is handicapped in dealing with the city and county government as a consolidated unit.

The city and county governments of Philadelphia have not remained merged to the degree anticipated by the sponsors of the consolidation act and in force for twenty years after the passage of the act. While in the city government a considerable degree of executive authority has been secured. The county enjoys no civil executive centralization has been accomplished, with the consequent elimination of elective offices, in the county government all offices of importance are still elective, and no centralization of executive authority has been secured. The county enjoys no civil service system. In the city government fiscal control is centralized; in the county it is decentralized. County officers may incur obligations which the city council must meet. Uncertainty exists as to where the authority of the city officers ends and that of the county officers begins, and vice versa. There is also doubt as to the power of the legislature to correct the conflicts of jurisdiction which exist, and as to how far the legislature may go in revising the structure of the consolidated government. Those who profit by these doubts make the most of them.

Under the plan defeated in St. Louis in 1926 the territories and governments of the city and the county were to be combined "into one legal subdivision of the state . . . . under the municipal government of the city of St. Louis" and the corporate limits of the city were to embrace "all the territory of said county as well as all of the territory of said city."[46] "The area of the enlarged city would have been 548 square miles. The "county of St. Louis" was to cease to exist as a separate legal entity. The existence of the various municipal corporations embraced in the county territory was likewise to terminate. The charter of the city and all its ordinances were to be applicable to the entire city. The assets and liabilities of the county and the several municipal corporations were to be transferred to the city. The territory was to be divided into six new wards, making a total of thirty-four for the enlarged

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[45] Shenton, *op. cit.*, p. 9.

[46] *Scheme or Plan for Consolidation of the City of St. Louis and the County of St. Louis,* etc., 1926. Section 1.

city. All authority previously "exercised by the county court of the county of St. Louis or by any officer, commissioner, or board of said county," (and of any officers, commission, or board of any incorporated subdivision therein) was to be "forever abrogated and annulled," except for certain specified purposes, and "the jurisdiction, powers and duties of the officers, boards, commissions, and employees of the city of St. Louis" were to "extend to and include the territory theretofore comprised in the county." A further sweeping clause would have abolished all state and county officers, commissions, and boards of the county of St. Louis and transferred their jurisdiction to the officers, commissions, and boards exercising similar or corresponding jurisdiction within the city of St. Louis.

Consolidation of Functions—New York and Boston

Under the classification introduced in the preceding chapter, functional consolidation was set forth as a third method by which the solution of the city-county problem has been attempted. It was defined as the uniting of certain functions formerly performed by both jurisdictions but without a complete merger of their territorial or governmental identities. New York and Boston were tabulated as the historic instances of such consolidation.

It must be admitted, however, with respect to the mutual relation of city and county that the difference between the present arrangement in New York City or Boston and the scheme in Philadelphia, which has here been presented as a case of complete consolidation, is one of degree rather than of kind. In Philadelphia the county has displayed a strong tenacity upon life, stronger indeed than the sponsors of consolidation in 1854 intended. But in New York City and in Boston the county survives as a distinct legal entity and the integration has been less complete. For this reason it seems best to treat Philadelphia as a simple case of consolidation and to consider New York and Boston as examples of functional consolidation only.

In both New York and Boston consolidation was begun long before these cities assumed metropolitan character. In New York it dates back to the early colonial period. As pointed out by Arthur Ludington, the city and the county (of the same name) have been coterminous since the time of their establishment in the last quarter of the seventeenth century.[47] Because of this identity of territory the city and county were closely, not to say inextricably, bound together in political existence[48] with the exception of the period 1857-74 when an attempt was made to destroy the union. Although the county and city received their organization and power, largely, under different acts passed from time to time, the powers and duties conferred upon the two units were to a large extent exercised by the same officers, and in many cases were not clearly distinguished.[49]

In 1857 by a special legislative act,[50] the mayor and aldermen were divested of their duties as the board of supervisors of the county, and a separate board of supervisors was established composed of twelve men elected in the county at large. In 1874[51] this act was repealed and the board of aldermen again became the board of supervisors of the county and continued as such until the consolidation in 1898. In that year a more complete consolidation than had before existed between the two political units was accomplished. It was specifically provided, however, that the consolidation should in no way affect the methods of appointment or election of certain officers provided for in the constitution.

It is interesting to note at this point that when the boundaries of Brooklyn were extended in 1894 to the limits of Kings County, the two became coterminous and their governments were consolidated or interlocked. The powers of the county board of supervisors were vested in the city council; those of the county supervisor-at-large and auditor, in the mayor and the city auditor; and those of the city treasurer in the county treasurer. The county board of charities and corrections was also consolidated with the corresponding city board.[52]

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[47] The county of New York was one of the ten original counties established by the colonial legislation in 1683. Ludington, Arthur. The Relation of the County to City Government in New York, *Proceedings of American Political Science Association,* 1911, p. 74.

When parts of Westchester County were annexed to the city in 1874 and 1895 they were made a part of New York County. In 1914, however, the latter territory, known since the consolidation as the Borough of Bronx, was set up into a separate Bronx County.

[48] *Ibid.,* p. 76.

[49] *Ibid, loc. cit.*

[50] Ch. 490 of the Laws of 1857; amended by Ch. 321 of the Laws of 1858.

[51] Chs. 304 and 305 of the Laws of 1874.

In the consolidation of 1898, by which the boundaries of the city were extended to include four other counties, the same principle of interlocking government, which had been applied to the relation of the county and city of New York for more than two centuries and to the relation between the government of Brooklyn and the county of Kings for the preceding three years, was extended to the consolidated city and its four, and since 1914, five counties. Quoting from Ludington:[53]

> All powers formerly exercised by boards of supervisors, or by municipal legislative bodies acting as such, were devolved either upon some purely administrative board or officer of the new city, or upon its board of aldermen acting in conjunction with the mayor, and usually, with the board of estimate and apportionment. Boards of supervisors—consisting for each county of the members of the board of aldermen elected within the county—were to remain in existence for but two purposes, viz., to act as county boards of canvassers for all elections held within the county, and to divide the county, if the same were entitled to more than one assemblyman, into assembly districts. Even this latter power seems to have been taken from the county boards of supervisors by the charter revision of 1901 and conferred upon the board of aldermen acting as a unit.

All elective county offices except those prescribed in the constitution were abolished and their duties transferred to corresponding city offices. Thus the duties of the county treasurers became vested in the city chamberlain, those of county superintendents of the poor in the department of charities and corrections of the city, and the county coroners were made borough coroners. The constitutional offices which could not be consolidated were those of the county judges and surrogate county clerks, district attorney, register of deeds,[54] and sheriff in each county—all of which are elective. Their salaries and duties and the salaries and duties of their employees are fixed by the legislature. All the offices which could be consolidated by statute were consolidated.

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[52] Ludington, *op. cit.* p. 77.

[53] *Ibid.*, p. 80-81.

[54] Except in Queens and Richmond where the county clerk performs the duties of the register of deeds.

Table IX

Transfer of the Powers of the County Boards of Supervisors to the City Government in New York City under the Consolidation Charter of 1897[a]

County Powers Transferred to	City
County boards of supervisors abolished except for two purposes—to act as county boards of canvassers for elections and to divide the county into assembly districts.	The aldermen within the county given power to act in these matters as the county board of supervisors
General ordinance-making powers of the boards	Transferred to the board of aldermen.
General financial powers, such as provision by taxation for the support of county offices, including administration of justice and county welfare institutions; appropriation for these purposes, etc.	Transferred to the board of estimate and apportionment and board of aldermen.
Collection of taxes for state and county	Transferred to the city comptroller and board of aldermen
Auditing	Transferred to the city comptroller
Care of county roads (wherever carried on)	Transferred to the borough presidents, street cleaning department, department of water supply, gas and electricity and local improvement districts, subject to control by the board of estimate, board of aldermen, and mayor
Care of county property	Transferred to the department of bridges, docks and ferries, parks, etc., subject to control by the board of estimate, board of aldermen and mayor
Provision for housing of the judicial departments	Transferred to the board of estimate and apportionment, the board of aldermen, and the borough presidents

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[a] Based on Ludington, *op. cit.,* p. 80-86.

In recent years proposals have been advanced for a constitutional amendment to abolish the counties within the city of New York, to enable the city to make some of the county offices appointive instead of elective, and, generally, to give the city the power to regulate such offices. In 1927 Governor Smith urged this reform and caused a resolution providing for such an amendment to be introduced in the legislature. The proposal met vigorous opposition from county officials and the county machines of both parties (which saw in it a menace to their patronage), and the city delegation in the legislature refused to support it. The upstate members likewise were opposed to the measure because it would have transferred control over these county offices from the legislature to the central authorities of the city who generally belong to the opposite political party. The measure consequently failed.

The functional consolidation of the governments of the city of Boston and county of Suffolk was accomplished by legislation passed in 1821 and effective the following year. Suffolk County was small, embracing besides Boston the area now forming the towns of Chelsea, Winthrop, and Revere, which was thinly populated.

Considerable friction over various matters such as taxation and highways had developed between the county court of sessions, (the administrative body of the county) and the governing body of the town of Boston. Legislation was consequently enacted which abolished the county court of sessions and transferred its administrative functions to the mayor and aldermen of Boston just then corporated as a city.[55]

Legally and territorially the city and the county continue as independent political organizations, but functionally they have become very largely one. The city council is designated by law as the "county commissioners for the county of Suffolk" and together with the mayor exercises control over its finances. The ownership of all county property is vested in the city. All expenses of the county government are borne by the city. The treasurer and the auditor of the city act as treasurer and auditor of the county respectively. Certain officers concerned with the administration of justice are elected by the people as in other counties. There are besides a very few officers appointed for the county. Six offices are elective by constitutional provision. The situation today may be presented as follows:[56]

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[55] Hormell, O. C. The City and County in Massachusetts, in *Proceedings of the American Political Science Association, 1911,* p. 66.

County Offices Consolidated with City Offices	*County Offices*
County commissioners (formerly county court of sessions)—all administrative duties including powers of taxation and making appropriations transferred to the city council which acts as the "county commissioners of Suffolk County" and to the mayor. County treasurer—duties assumed by the city treasurer, who also bears the title of county treasurer. County auditor—duties assumed by the city auditor, who also bears the title of county auditor.	*Elective:* Register of probate, register of deeds, district attorney, sheriff, clerk of the supreme judicial court, two clerks of the superior court (one for criminal and one for civil business). *Appointive:* Medical examiners, index commissioners, probation officers, clerks of municipal courts.

The results of this consolidation are anomalous in certain respects. The people of Chelsea, Revere, and Winthrop participate in the election of all the county officers and have the benefit of all the facilities of the county government and yet are not taxed for its maintenance.[57] Although students of government recognize that the county officials should be appointive and subject to civil service regulations, the change is impossible so long as the constitution provides that the offices shall be filled by election.

It is commonly recognized that subordinate employees should be subjected to civil service regulations and yet, as the county is legally a separate political unit, it has proved difficult to bring this about. The county ring which is strongly entrenched in the legislature will not permit legislation which would subject

[56] Table based on Hormell, *op. cit.*

[57] The costs of county government in 1923-24 were in the neighborhood of $2,700,000 as compared with the costs of city government of $31,500,000. The personnel of the county numbered 763 as against a city personnel of 15,493 in 1921.

county government to civil service regulations.[58] The result is inefficiency and increased costs.

Partial Consolidation of Individual Functions

In some instances consolidation of individual functions of city and county governments has been effected or a partial interlocking has been brought about between the governing bodies of the two political units or some of their administrative departments.

Such an arrangement obtains between the governing bodies of the city of St. Paul and Ramsey County. Under the law the mayor of the city is a member and ex officio chairman of the county commission. Four other members are elected in the city and two in the territory outside. The mayor is not merely a liaison officer between the two governments. If he is aggressive he dominates the county commission.

A consolidation has been effected between the same two political units as to welfare services. Until 1929 a board of control of three members, composed of two members appointed by the county commissioners and one member appointed by the city council, administered joint welfare services. Following disclosures of serious scandals, the board of control in that year was replaced by a board of public welfare. The new board consists of five unsalaried members who function through a paid secretary. The mayor appoints the members, two of whom are designated as "city members" whom the city council must approve, and three of whom are designated as "county members" whom the county board approves. Appropriations to the board are made by governing boards of the county and city respectively in the ratio of two to one.

Recently Chicago and Cook County consolidated their adult probation departments. The judges of the county and of the municipality, desiring one agency through which they could function, agreed to a plan by which they would jointly appoint a chief probation officer who would appoint his own subordinates. The fixing of the salaries of these employees, however, raised difficulties. Unwilling to leave this question to a civil service commission, the city and county politicians secured a law stipulating in each case the maximum and minimum salaries to be paid.

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[58] Hormell, O. C. Boston's County Problems, *Annals of American Academy of Political and Social Science*, Vol. XLVII, p. 134.

Summary

It is seen from the foregoing account that most of the efforts to solve the difficulties caused by overlapping city and county governments have taken the form of complete governmental and territorial unification. These efforts have been successfully concluded in only a few cases. Attempts at mere functional consolidation which involved no territorial readjustments have been less numerous. Apparently but little thought has been given to the possibilities of this latter device.

CHAPTER XI

RESULTS OF CITY-COUNTY SEPARATION AND CONSOLIDATION

In view of the emphasis often placed upon the economies which unification of city and county governments will accomplish, it is appropriate to consider first the financial results which have attended the adoption of the plans described in the two preceding chapters.

Financial Results

The financial consequences of the schemes of city-county separation or consolidation are difficult to trace, for in each instance factors have been present which had little if anything to do with the scheme per se and yet vitally affected the results. In fact, outside influences may have controlled.

In both San Francisco and St. Louis the tax rate and tax levy immediately dropped as follows:

	Tax Rate		*Tax Levy*	
	Year before adoption of the scheme	*Year after its adoption*	*Year before adoption of the scheme*	*Year after its adoption*
San Francisco[1]	3.85	2.30	$ 882,000	$ 497,000
St. Louis[2]	3.42½	2.80	5,300,000	4,594,000

The reduction was due, first, to the elimination of the county tax and, in St. Louis, of a park tax of three quarters of a mill (.075 per cent); and second, to the direct tax limitations previously referred to (San Francisco 1.25 per cent for local purposes other than debt charges.) Not only were the tax rates thus forcibly cut down but assessed valuations were also voluntarily reduced in both cases by the new consolidated governments.[3]

It would be too much to say, therefore, that these large reductions in taxes were due to economies naturally secured by consolidation of the city and county governments within the city limits, or to increased efficiency on the part of the new consolidated government. They were, primarily, forced reductions which the city authorities had to make because of drastic limitations imposed upon the tax rate and because of the prohibition of all borrowing. These limitations were due not alone to the belief that a consolidated government would be able to function more economically than two separate governments, but also to a switch of public sentiment from a policy of liberal expenditure to one of severe economy.[4]

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[1] Figures taken from Bancroft, *History of the Pacific States,* Vol. XVIII. p. 755. Includes state tax which remained stationary.

[2] Figures taken from the Mayor's *Message* of 1881, p. XI, and *Report of the City Comptroller,* 1882, p. 5. Includes state tax.

[3] Assessments in San Francisco fell from $32,076,000 in 1855-56 to $30,368,000 in 1856-57; and in St. Louis from $179,708,768 in 1887 to $160,604,840 in 1881.

In San Francisco, in order to avoid the building of new schools and to reduce the number of teachers, school admissions were cut the first year by four hundred, despite the increase in the child population. Expenditures in the street department were reduced by stopping for a time all work of grading, sewering, and planking, and in the street lighting department by discontinuing for a time all lighting, later supplying only a small quantity of gas sufficient to light the city but dimly. "These economies," says Hittell,[5] "caused some inconvenience to the citizens but they were delighted with the large reductions of taxes."

Later the citizens naturally wearied of this policy of dry rot and of the severe restrictions which had been imposed upon their municipal officials by the legislature.

In St. Louis, the retrenchment introduced at the time of city-county separation was not so drastic, but nevertheless was quite severe. "In all departments the public work in charge of the city engineer," said the mayor, in his message the year after consolidation,[6] "was greatly curtailed." The appropriation for public works of every kind were cut by more than half. Having taken over the magnificent park system, which it formerly shared with the entire county and had acquired with the aid of a special county tax, the city found itself now unable to develop or maintain it. Serious thought was given to the proposition to sell some park

[4] See Young, J. *History of San Francisco,* Vol. I, p. 311.

[5] Hittell, H. S. *History of San Francisco,* p. 263.

[6] In all departments the public work in charge of the city engineer was greatly curtailed during the past fiscal year. This was rendered necessary by the reduction in the revenue available for that purpose and the importance of bringing the city under the new charter free from floating debt and prepared to assume the additional responsibilities created.

property (of which St. Louis is so proud today) in order, as the mayor said, to bring it within the "limits that could be properly managed by the city." Fortunately, the idea was abandoned because of the depressed state of the real estate market at the moment.

After one year of separation from the old county the mayor of St. Louis claimed a saving in the operation of the jail, insane asylum, and poorhouse of $52,000 under what the institutions had cost the last year under county management. Salaries were likewise reduced $145,000 under the aggregate of county and city salaries the year before. Similar savings were claimed in the other operating costs.[7] The mayor's claim to credit for economy, however, is weakened by the fact that prior to separation the county services had applied to a wider area and a larger population than did similar services performed by the city-county after separation.

Because of the complicated evolution through which the scheme of city-county separation passed in Denver, it is even more difficult to appraise financial results than in the case of San Francisco and St. Louis. It will be recalled that the Denver plan, by which one set of officials did the work formerly performed by two, was upset in 1905 by court decision after one year of operation, and that not until six years later was the simplified system, first put into operation in 1904, restored. Nevertheless, during the brief introductory period the tax rate and tax levy dropped. The cause seems to have been the economies of city-county separation and consolidation.[8] The next year, however, the two sets of officials having been restored, the tax rate and the tax levy increased and the city was deprived of the economies of the simplified system.[9] Taxes continued upward until the decision of 1911, again legalizing the scheme of separation and consolidation. Immediately the tax rate and tax levy showed a reduction.[10] But during the "intra-consolidation" period conditions in Denver were abnormal and it would not be correct to attribute the entire drop between 1910 and 1912 to the beneficent influence of consolidation.

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[7] *Mayor's Message* of 1878, p. 8.

[8] The tax rate dropped from 1.85 per cent in 1904 to 1.7 per cent in 1905; the tax levy from $2,009,072 to $1,960,761. (*Auditor's Report,* 1925, p. 16.)

[9] The tax rate increased from 1.7 per cent in 1905 to 1.95 per cent in 1906, and the tax levy from $1,960,761 to $2,243,481.

[10] The tax rate dropped from 2.1 per cent in 1910 to 1.87 per cent in 1912, and the tax levy from $2,844,808 to $2,505,570.

In the three cases above, a part of the savings was due to the separation of large county territory from the city and the consequent discontinuance by the city of contributions to the support of the county government in the remnant territory. The saving to the city constituted a loss, therefore, to the county territory, which the latter had to make up by increased taxation for the support of a county government of their own. If the expenditures of the consolidated city and the new county were added together, it would be found that in certain respects the expenditures were increased by the scheme inasmuch as a new county government had to be erected.

Turning to Philadelphia as an instance of consolidation as distinguished from separation, it is found here, too, that the change was followed by substantial retrenchment in expenditures. But in this instance also, any savings that resulted cannot be ascribed altogether to consolidation. Some might have been effected anyway, for there was a distinct shift in public sentiments from a policy of expansion of municipal activities to one of distinct contraction.

What we have here termed the functional consolidations of city and county governments in New York City and Boston were brought about many years ago when these cities were small, and an inquiry into the financial consequences would prove unsatisfactory and valueless. From the meager evidence at hand, however, it is probable that consolidation worked for economy in expenditures.

To summarize, the evidence suggests that city-county separation or consolidation tends to reduce the governmental costs for the city.[11]

a. By reducing the number of functionaries needed to carry out city and county services within the limits of the city;
b. By securing a more competent and economical management of the county departments or institutions than that supplied by the former county; and,
c. In the case of separation, by putting an end to the contributions theretofore made by the city to the support and development of the large territory outside its limits.

The evidence also shows that not all the savings effected can be ascribed to consolidation or separation; that a very large, sometimes perhaps even the major, part of these savings has been derived from the drastic limitations imposed by the state or locality on the taxing and borrowing powers of the city and from a change in public sentiment in favor of radical retrenchment. Finally, in the case of separation, the savings in the city may have been offset by increases in the expenditures or reductions in services or improvements in the county territory from which the city had separated.

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[11] For further discussion of finances see Chapter VIII.

Improvement in Services Assumed by the City

As a result of the separation scheme Baltimore, St. Louis, and Denver secured more adequate judicial facilities through the exclusive administration of justice formerly shared with the county territories.

As before observed, St. Louis succeeded in managing the county institutions more economically than the county had managed them. The city authorities insisted that they achieved these economies without curtailment in the services rendered. Pointing out that the insane asylum cost $60,034 the year after separation with 330 patients, as compared with a cost the year before of $70,129 with 325 patients, the mayor said[12] that "the patients were fully as well cared for and the institutions kept in better order than ever." With respect to the jail taken over from the county similar assertions were made.

Though these claims may have been exaggerated, they probably represent a fair approximation to the truth. The city government was better organized, better equipped technically, and more responsive to the will of the people than the county government had been. Greater efficiency in the management of county services consequently resulted. Wherever a city government is more efficient than the government of the county—a condition quite general—greater competence in the management of county services can be expected as a result of consolidation.

Simplification of Government and Shortening of the Ballot

Every scheme of city-county consolidation or separation adopted has simplified to some extent the functioning of government within the limits of the city. The elimination of overlapping jurisdictions and reduction in number of offices should enable the city authorities, other conditions being equal, to expedite their work. Whether it has actually done so or not it is impossible to say. In any event it has accomplished a physical shortening of the ballot. Reference to Table VIII will indicate the offices dropped, most of which were elective.

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[12] *Annual Message of the Mayor,* 1878, p. 27.

In some instances appreciation of the advantages of the short ballot was lacking, in others the legal power to bring it about was absent. When the San Francisco and Philadelphia schemes were adopted, the people there were still under the delusion that by electing administrative officers they would most readily secure responsible government. As a result they maintained the existing elective offices or even added to their number. Despite a grant by a subsequent amendment of the constitution [13] enabling San Francisco to determine in its charter the method of election or appointment of county officers, that city has not yet achieved a short ballot. The charter as amended to 1925 shows fifteen officials, other than mayor, supervisors and the judges of the supreme court, to be elective. In Philadelphia, as a result of the decisions previously referred to, classing certain officers as county officers, it has been impossible materially to reduce the number of elective officers except by constitutional amendment, a step which has not yet been taken. Special emphasis is now placed by the advocates of city-county consolidation or separation on the grant of adequate constitutional powers to enable the city to perform so-called county functions, and to elect or appoint so-called county officers.

Unification of City and County Government as a Solution of the Metropolitan Problem

The unification of city and county government achieved under the schemes described, may be said to have been executed on a fullly metropolitan scope in the case of Philadelphia, where the consolidated city and county originally embraced practically the entire metropolitan territory. It cannot be said to have been as comprehensive in the other instances. In New York the early coincidence of municipal and county areas was in advance of any metropolitan needs.

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[13] This section of the California constitution reads as follows:

> It shall be competent, in any charter framed in accordance with the provisions of this section, for any consolidated city and county . . . . to provide therein or by amendment thereto, for the powers and duties of all county, city and county, municipal and borough officers; for the manner in which . . . . and the terms for which the several county, city and county, municipal and borough officers, except judges, of the superior court shall be elected or appointed . . . .

The present situation in our national metropolis does not call for county-city units but for the division of a giant municipality into convenient judicial districts. Borough-county consolidation, therefore, has nothing to offer as a solution of New York's problem. In Boston, St. Louis, and Denver the city and county governments have been unified within a substantial portion of the respective metropolitan areas, but not throughout their entire length and breadth. The problem of further consolidation involves, especially in the cases of Boston and New York, the question of relationships with the several counties into which their extensive and rapidly growing suburbs now spread. It cannot be said offhand that the solution is city-county consolidation of the old pattern.

Thus it appears that schemes of this nature are subject to the same limitations to which the schemes of municipal annexations are subject, as indicated in a preceding chapter. Either they do not bring the entire metropolitan territory under a single jurisdiction, or if they do, their accomplishment in that respect is not lasting, since in time the metropolitan area outgrows the limits of the city-county and the problem of unification of city and county governments arises anew.

With special reference to separation it may be said that in one respect it has complicated the government of metropolitan areas because a territory (county) formerly united was split into two independent jurisdictions and thus the way was paved for an eventual conflict between them.

Effect on the Development of the County Territory

The effect of city-county separation upon the development of remnant territory not consolidated with the city can hardly be said to have been favorable. Deprived of the financial assistance of the city and the enterprise, vision, and stimulating influence of city leaders, the new county government erected in such territory has generally relapsed into relative inactivity.

Thus the county of St. Louis pursued none of the ambitious projects of road construction which were inaugurated in the days when the county included the city of St. Louis. The county seat was established in an obscure village some ten or fifteen miles from the city limits and the government of the county became distinctly rural in character and outlook, and conservative in nature. It continued so despite the fact that, in time, considerable suburban population developed within its bounds, bringing new responsibilities and calling for the application of more progressive policies. The county authorities have persistently disregarded the urban and suburban problems, such as water supply, sewerage, and public health control, which have developed in their jurisdiction. This conservatism, not to say neglect, has unquestionably tended to retard the development of the territory. A particularly anomalous situation has arisen in the construction and maintenance of county roads. Though the city has been largely responsible for the growth of population in the county and is vitally concerned in the construction and maintenance of good roads in county territory, it has neither contributed anything to that purpose, nor exercised any control over the situation.

As the counsel of the St. Louis Chamber of Commerce expressed it,[14] "St. Louis County has all the terrific road traffic of automobiles and trucks and vehicles of all kinds that goes with a county which contains a city of 750,000 people and yet it does not contain this city (St. Louis) within its bounds and cannot tax this city's wealth to maintain the burden of road traffic that exists." Kansas City and Jackson County, he maintained, had an "immeasurable advantage" over St. Louis City and St. Louis County inasmuch as "Jackson County can maintain roads throughout its entire borders because it can tax the valuable property of Kansas City." True, the state has stepped in in recent years and has built and is maintaining several important roads in the county leading to the city from funds a substantial part of which has of course been supplied by the city, but this has not cured the fundamental evil. What has been said about road construction is true also of other functions. In practically every phase of its work, the county government is found to be lagging behind the requirements of the people. Instead of leading the development of the territory it is trailing it.

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[14] Series of articles by Mr. George B. Logan, counsel for the St. Louis Chamber of Commerce, in the *St. Louis Globe-Democrat,* July, 1921.

Although factors other than separation are responsible, San Mateo County, California, created from the residue of San Francisco County when San Francisco separated, has developed slowly. In 1890 its population was approximately 10,000, which by 1920 had increased to only 36,000. By reason of its hilly nature a great deal of the area is unsuited to real estate development, and remains in large estates transferred from one generation to another. Other portions serve as San Francisco's truck garden. Although the owners of the estates have consistently opposed the growth of middle-class suburban communities within the sphere of their influence, the real check to development has been topography and inadequate transportation facilities to San Francisco. Otherwise the territory might have evolved much as has Alameda County across the bay. In recent years some agitation for reunion with the city has begun. Notwithstanding the above considerations, however, it may be conjectured that had city-county separation not occurred, the territory now forming San Mateo County would have moved further towards urbanization than it has at present. The question whether this would not have been an economic waste may, however, properly be raised.[15]

Reasoning from the analogy of the experience of border territory adjoining cities which have experienced separation from the larger area of the county, it would seem that the remnant portion of the county would profit if consolidation rather than separation (as defined herein) were adopted. As we have seen, property-owners in the newly added fringes of cities have demanded and secured city improvements which the county government had not been furnishing. As was noted with respect to Philadelphia, all parts within the merged area received benefits from the economic strength of the consolidated city and county. St. Louis soon outgrew its new consolidated boundaries and unfortunately no plan was adopted for extending them from time to time. Perhaps the whole St. Louis area would have profited if consolidation of the entire county rather than separation had been accomplished in 1875.

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[15] Baltimore County is peculiar. No comparison can be made of conditions before and after separation, inasmuch as the separation existed in part almost from the time of the establishment of the city and county. Furthermore, there are no corporate bodies in the county. The latter is the only agency of local government in the territory. It has consequently been compelled to expand its functions and to act, practically, as a large municipality.

Increased Difficulties of Future Annexations

In one way city-county consolidation or separation has rendered it more difficult for the city to annex new territory. The reason is that the new territory now lies in another county and must be detached from that county before it can be annexed to a city-county; whereas formerly, annexation did not necessarily interfere with the corporate existence of any county. In attempting such detachment the city has often to contend with serious statutory and constitutional obstacles not ordinarily incident to annexation, for counties often enjoy as much protection against dismemberment by their neighbors as do municipalities. In addition to legal difficulties formidable political opposition is sure to be aroused in a county which is to suffer a loss of territory.

An ordinary city may expand by annexing territory lying in a county other than that in which it is situated without disturbing any county boundaries whatsoever. The enlarged city thereafter lies in two counties. But for a city-county the process of annexation is not so simple. Thus city-county integration may in later years become an obstacle to expansion.

In Baltimore, there have been two large annexations since the separation but each of them was brought about by special legislation and in each instance a strong opposition from the county had to be overcome. If it were not for the fact, asserted in judicial decisions and apparently supported by public opinion in Maryland, that the principal city of the state is a matter of state concern, transcending local considerations, the enlargement of the boundaries of Baltimore could not have been accomplished so readily. In neither San Francisco, St. Louis, nor Denver has there been any enlargement of the territory since the adoption of separation.

In the case of San Francisco, special provisions relating to annexation of territory to that city have been inserted in the state constitution although they have been so framed as to suggest that they were devised more to prevent annexation than to facilitate it. In St. Louis a special constitutional amendment had to be adopted to make even an annexation proposal possible and in the end the proposal failed. In Denver, the residual county legally can put no obstacles in the way of the annexation of any of its territory. But politically it can, of course, do so. In Philadelphia, the only annexation which has occurred during nearly three quarters of a century, was brought about by special legislation and under a special procedure involving application to the court, the holding of a hearing at which the county containing the territory could remonstrate against the detachment of the latter from it, and decision by the court. The territory involved was very small.

The more the county develops as a community, the more it is likely to resist loss of territory. The difficulties in the way of annexation by so-called consolidated cities and counties are likely, therefore, to increase in the future.

In only two cases—those of Philadelphia and St. Louis—has the blending of city and county governments been accomplished in conscious response to a demand for the better organization of the government of a metropolitan region. In the other cases (Denver excepted) it was brought about long before the emergence of metropolitan problems in the areas affected. Although simplifying the government of the central urban territory, city-county consolidation failed to provide a pattern for the political organization of the area sufficiently elastic to meet growing needs.

City-county consolidation can hardly be expected to offer a solution to the difficulties confronting most of the metropolitan regions today. All that can be hoped of it is that it will eliminate one source of confusion—the duplication of city and county governments within the central city. But the obstacles that stand in the way of city-county consolidation are so great, as attested by the failures of all efforts made during the past twenty years, that prudence should suggest other lines of attack. In those exceptional cases in which the consolidation of the county with the municipalities therein appears as the best solution of metropolitan difficulties, it may be wise to begin by progressive consolidations of functions common to both city and county governments and by partial interlockings of their respective governmental departments.

CHAPTER XII

EXPANSION OF COUNTY GOVERNMENT TO MEET METROPOLITAN NEEDS

Various efforts to adapt the county government to the service of metropolitan needs by broadening its scope and remodeling its structure have been undertaken. In such cases the county has been regarded not as obsolete, no longer useful in a metropolitan area, but as a promising institution upon which to develop a regional government. In four states (California, Louisiana, Maryland and Montana) counties have the constitutional power to frame and adopt their charters and to enjoy the same relation to the legislature as that of cities in "home rule" states. In a small number of other states counties are permitted to adopt or reject forms of government submitted by the legislature. The latter opportunity has been presented to two counties which form a part of the New York metropolitan region, viz., Westchester and Nassau, but thus far the charters tendered by the legislature have proved unacceptable to the electorate.

As yet, attempts to reconstruct the traditional form of county government have for the most part been unsuccessful. Some progress has been made, it is true, but in most cases the form of county government still unfits it to assume the responsibilities of a truly metropolitan municipality. The fact, however, that the machinery of county government has been altered but little does not mean that no expansion in activities has taken place in instances in which the county serves a metropolitan region. Thus, under the pressure of metropolitan life, the county has to a limited degree taken on new functions not usually performed by the normal county. In this manner the county may be made a more important agency in the construction and maintenance of roads and streets and in the care of delinquents and dependents; it may undertake sewerage, drainage and water supply for the area; it may provide parks and public recreation; it may branch into public health, educational and library services; it may administer police and fire protection, and assume responsibility for regional planning. In varying degrees, some such development has taken place in almost all of the twenty-nine metropolitan districts listed in this study.

Of course, in but a few metropolitan areas has the transformation in activity or structure been very pronounced. In most it has been relatively slight. Tradition, legal, constitutional and political obstacles, rapid expansion of city boundaries, or the establishment of special metropolitan authorities have interfered with or rendered unnecessary a more rapid expansion of county government.

Table VII presented the basic relation of the metropolitan city to its corresponding county or counties in each of the twenty-nine metropolitan areas in respect to area, population and assessed valuations. The development in county government in eleven counties each containing a metropolitan city and in four suburban counties adjoining metropolitan cities may now be recounted. Of the latter four, two—Essex and Hudson—contain each a secondary urban center which dominates the county in many ways. These fifteen counties can be considered fairly representative of the entire group.[1]

The counties will be dealt with in the order of the importance of development of their activities as follows:

Counties containing a metropolitan city

Los Angeles
Cook (Chicago)
Wayne (Detroit)
Milwaukee
Cuyahoga (Cleveland)
Hamilton (Cincinnati)
Hennepin and Ramsey (Minneapolis and St. Paul)
Allegheny (Pittsburgh)
Marion (Indianapolis)
Multnomah (Portland)

Suburban counties containing a secondary urban center

Essex (Newark, N. J.)
Hudson (Jersey City, N. J.)

Suburban counties

Baltimore
Westchester

Los Angeles County

Los Angeles County is the one example of a county possessing home-rule power to draft its own charter which has utilized its power to reconstruct itself to meet the demands of a metropolitan area.

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[1] The developments in one more county—that of Alameda—are described in chapter XVIII.

Until 1911 the legal doctrine in California, as it is today in most states, was that the county is merely a quasi-corporation, i. e., an agency of the state and not a unit of local government.[2] In that year, however, the people ratified an amendment sponsored by Governor Johnson, authorizing any county to frame and adopt a charter for its government by a procedure similar to that for home-rule city charters. It was made mandatory that any county exercising home-rule powers should provide in its charter for a board of supervisors of not less than three members, a sheriff, judges of inferior courts and certain other officers performing state functions, provided, however, that "the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws." The amendment also provided that the charter might make provision for the construction and maintenance of highways and bridges, with certain limitations as to the formation of districts and voting of bonds for these purposes. The charter was to "supersede all laws inconsistent with such charter relative to the matters provided in such charter," subject to the qualification mentioned above as to "powers and duties of the board of supervisors and county officers."

Los Angeles County was quick to take advantage of the county home-rule amendment. By October, 1912, the people had approved a locally drawn charter which was ratified by the legislature in January, 1913. The document was remarkable for its brevity, the changes which it made in the scheme of government being best illustrated by the following tabulation:[3]

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[2] As Justice Harrison of the Supreme Court of California expressed it in *County of San Mateo* v. *Coburn* (130 Cal. 631,636), "A county is a governmental agency or political subdivision of the state, organized for the purposes of exercising some functions of the state government, whereas a municipal corporation is an incorporation of the inhabitants of a specified region for the purposes of local government."

[3] The tabulation is based upon an article by Lewis R. Work, County Home Rule in California: The Los Angeles County Charter, in *Annals of American Academy of Political and Social Sciences,* Vol. XLVII, p. 229.

Comparison of Los Angeles County Government before and after Adoption of Home-Rule Charter

Under the state law, prior to the adoption of the charter	*Under the charter*
1. All important county officers elective.	Only the supervisors, sheriff, district attorney, assessor and justices of peace elective; those removed from elective list and placed on the appointive being auditor, coroner, county clerk, public administrator, recorder, superintendent of schools, surveyor, tax collector, treasurer, constables. All appointees to be selected from a civil service list.
2. Number of deputies, clerks and attaches in various offices, justices of peace and constables prescribed by legislature.	Number fixed by supervisors.
3. Sheriff and constables independent of each other and constantly at war with each other.	Constables made deputy sheriffs, ex-officio, to constitute a constabulary department with the sheriff at its head.
4. All salaries, even those of deputies and clerks in county offices, fixed by legislature.	All salaries, even of elective officers, fixed by supervisors, except salaries of the supervisors themselves which are fixed in the charter and salaries of officers and employees of the civil service commission.
5. Long ballot. All officers except supervisors going out of office every four years at the same time.	Short ballot. Biennial elections, four year terms, only half of officers going out at the same time.
6. Certain county officers and constables paid from fees collected by them.	All fees turned into the treasury, compensation being by salary only.
7. Each supervisor in charge of road construction in his district—largely an itinerant officer. His activities as member of the governing board greatly hampered.	Road construction placed in the hands of one road commissioner appointed by the supervisors from an eligible list. Supervisors left free to function as members of the governing board.
8. Civil service regulations unknown.	Elaborate civil service plan administered by three commissioners appointed by the supervisors.
9. No provision for an efficiency bureau.	Efficiency bureau composed of auditor, and the civil service commissioners and their secretary.
10. No provision for an administrative code.	Board of supervisors to prepare, publish and enforce a code of rules for the operation of the various departments.
11. Recall limited to elective officers.	Recall extended to appointive officers except that in case of civil service employees it may be applied only after unsuccessful appeal to the civil service commission for removal of the employee.

This outline shows that the government of the county was brought more into conformity with modern organization. Authority was centralized in the board of supervisors in a scheme similar to the commission form of city government. Although it was not ideal, it represented a substantial improvement. "The method of county government prevailing throughout the entire country," said the board of freeholders which drafted the charter, "is a reproach to the genius and attainments of the American people. We have endeavored, in the work now placed before the people, to lift Los Angeles County at least a little above the common plane."

Following its reorganization, Los Angeles county government began rapidly to forge ahead. By the year 1926 it was performing as many functions as the city government of Los Angeles, and perhaps even more. Many of the new functions were distinctly urban in nature, and performed for distinctly urban communities.

This speedy expansion was due primarily to the rapid urbanization of the unincorporated territory in the metropolitan region under the county's jurisdiction. Places which a few years before contained but scattered farmhouses, were transformed into built-up suburban communities counting a population of several thousands and suffering all the usual urban needs. Being of such recent origin, these communities were often not yet ready to incorporate and organize a government of their own, and the county was the only existing agency of government to which they could turn.[4]

Once reorganized, Los Angeles County proved alive to its new responsibilities and readily undertook various municipal functions for the benefit of the new communities. To that end it resorted liberally, perhaps too liberally, to the scheme of organizing special assessment districts. No other county in the country has as many assessment districts. These districts have been created for construction of roads, street improvements, street lighting, sewerage or drainage services, development of local parks, flood prevention, fire protection, and other purposes. Because the county services are so satisfactory the communities have often felt that they do not need to seek incorporation. Thus, despite the great increase in the number of urban communities, the number of incorporations has increased but slowly from year to year. There are more than forty unincorporated places in the county, each of which has a population of more than 2,000—one with a population of 75,000—a situation unique in the United States.

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[4] The procedure for incorporation in California is peculiar. Any settlement with 500 or more people can incorporate if 25 per cent of the voters sign a petition and an election is held at which a majority of the votes cast are in favor of the incorporation. Any owner, however, of ten acres of land which has not been subdivided can have his land excluded from the jurisdiction of the city. Consequently there are many cities dotted with such small unincorporated territories which the county must serve.

Although the bulk of the county territory is mountainous and uninhabitable land, the metropolitan area, i. e., the more or less populated section, embraces approximately twelve hundred square miles, a little less than one-third of the total county area. In addition to the unincorporated places of more than two thousand population, many unincorporated communities with smaller populations exist; and there are forty-four incorporated cities.

A fair idea of the great scope of activities now being carried on by the county, for the benefit of the metropolitan region and the various incorporated as well as unincorporated places in it, can be obtained from the following summary based upon information contained in the county auditor's report for the year 1925. Some of the functions, it is true, are common to some or all of the other counties of California. There are no township governments in the state and this fact throws an additional burden on the counties, which are in effect equipped by law to serve all unincorporated communities in many ways which in other states would be left to town or township governments. Nevertheless Los Angeles County has developed municipal services over and above those undertaken by other counties even in California.

Activities Performed by Los Angeles County Government

1. *Assessment and collection of taxes* for the city of Los Angeles, as well as for the county, and for all other cities desiring the service, thus making it unnecessary for them to maintain their own assessors and tax collectors. Some cities, however, prefer to make their own assessments for municipal purposes to enable them to raise valuations without paying a larger proportion of county taxes.

2. *Legal advice.* The county counsel acts as attorney for all school districts.[5]
3. *Regional planning.* The county board of supervisors has planning jurisdiction over the entire habitable region of the county with control over platting in all unincorporated places. With the coöperation of the planning commission, which acts as an advisory body, there is being developed what has been termed one of the most extensive planning programs ever undertaken in the United States.
4. *Street improvements and street lighting* are provided by the county in unincorporated places through the establishment of special districts. County aid is furnished to such districts, and to Los Angeles and other cities for arterial roads and bridges. Districts can be established against the wishes of property-owners by action of four-fifths of the board of supervisors, but this has never been done.
5. *Sanitation.* Extensive sanitary sewer and storm drain construction is carried on by the county in unincorporated as well as incorporated places. In the latter, drainage districts are formed under the authority of the county. Trunk sewers are in the charge of specially created sanitation districts, each such district having its own governing board which includes the chairman of the county board of supervisors. Expenses are met by district taxes and issuance of assessment bonds. The major sewer project embraces seventeen incorporated and numerous unincorporated places.
6. *Flood control.* Though legally a special flood-control district has been created with separate financial powers, it is in reality but a county improvement district managed by the governing body of the latter.
7. *Fire protection.* There is a county fire department composed of twenty-nine companies distributed throughout the county, with a total force of two hundred and thirty-five uniformed men, equipped with modern fire apparatus and involving a payroll of more than $350,000 annually. The fire department serves unincorporated areas which have been formed into fire districts.[6] A movement has been started to permit incorporated places to participate in the system. Fire districts are fixed by the board of supervisors which has final authority in fixing the budgets.
8. *Police protection.* A constabulary composed of town constables with a motor patrol is maintained as a miniature police force.
9. *Public health.* A county health officer serves the unincorporated territory as well as such incorporated places as choose to come under its organization. In 1930 thirty-four cities were coördinated with the county department. There are thirteen physicians and more than fifty nurses. A dental division, tuberculosis clinics, a central laboratory with local branches, a sanitary division, a contagious disease division, and a vital statistics bureau are maintained. The county also maintains a general hospital and a tuberculosis sanitorium.
10. *Live stock inspection.* The county attends to the eradication of tuberculosis among live stock and the enforcement of ranch and meat inspection. Such work is as yet carried on only in unincorporated places.
11. *Examination of weights and measures.* This function is performed by the consolidated city and county department which examines every mercantile place of business in Los Angeles County.

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[5] Referring to the work of this officer the report of the county board of supervisors for the year 1925 (p. 20) says: "No small part of the work of this office is that occasioned by the one hundred and sixty-six school districts throughout the county, the county counsel being by law made the attorney for the school districts, their boards and officers."

[6] By an amendment in 1925 any sixth-class city adjacent to a fire district may be included in it.

12. *Parks and recreation.* The county supports several mountain camps for recreation purposes and contemplates the establishment of a comprehensive county park system.
13. *Horticultural control.* A horticultural commission enforces plant quarantine and pest control and inspects fruits and vegetables.
14. *Art institute* (*Otis Institute*). Day and evening courses and summer classes for both adults and children in drawing, painting, clay modeling, and general and commercial design.
15. *A county library* with one hundred eighty branches maintains a county library service.
16. *A county museum* of history, science, and arts serves a million visitors annually.
17. *A special department* of forests, fish, and game is maintained.
18. *Judiciary.* In addition to the courts and in common with other California counties, Los Angeles County maintains a public defender and seven deputies who act annually in more than fifteen hundred criminal cases and sixteen thousand civil cases.
19. *Charities and probation* are county functions throughout California and many other states. Los Angeles County, however, has been most attentive in maintaining a large charity department which furnishes outdoor relief, looks after the unfortunates, supervises probation for juveniles and other delinquents. A Juvenile Hall which is a detention house and clinic in which the child may be studied with a view to his future welfare is maintained.

The budget of Los Angeles County exceeds at present the budget of the city of Los Angeles. Measured by the amount of money it spends, the county is a more important unit of government than the city. In this respect again this county is unique. In no other county containing a metropolitan city does a similar situation obtain.

The importance of the county in the local scheme of government is realized by the citizens. The office of county supervisor is considered more important than the office of councilman of the city of Los Angeles and not much less important than that of mayor of the city. The five supervisors divide the executive departments among themselves and function in every way as do city commissioners in a commission-governed city. The impression which a visitor to the county offices carries away with him is that of a city government operating at full speed.

The relation of the county government and the Los Angeles city government has not been fully worked out, however. The governing bodies are in no way correlated or integrated, and some competition and jealousy exist between them. The county government expresses preëminently a suburban point of view. The city government of Los Angeles has the interests of Los Angeles foremost in mind. No blending of these points of view in one integrated unit of government has been achieved.

Cook County (Chicago)

Cook County contains the city of Chicago and its most important residential suburbs. Ninety per cent of its population is within the limits of the city and more than 90 per cent of its taxable resources are located therein. In area the county is about four and a half times larger than the city. It is governed under the constitution of 1870 by a board of fifteen members, ten of whom are elected from the city and five from the remainder of the county. The president of the board has a veto power and the power of appointment. The county commission has the administration of the budget, social welfare, and highways. Other functions are performed by the usual independently elected officers.

In the fields of social welfare and road construction the county has expanded its activities greatly during the past fifteen or more years and has assumed two new activities of great importance—parks and public health—and prosecuted them on a fairly large scale.

It is not necessary to review in detail the expansion in county activities within the field of social welfare, which during the past ten or fifteen years has been more rapid and extensive than the expansion of similar activities within the city of Chicago.[8] With the exception of public health, all welfare activities are carried on throughout the county. In 1925 an important reorganization was accomplished by a special statute whereby six separate agencies, such as the social welfare bureau, the county agent, etc., were consolidated into one "bureau of public welfare." The expenditures on social welfare (including institutions, probation, etc.) represent the largest item in the county budget.

In 1926 the public health division was made a division of the reorganized bureau of public welfare. It serves primarily the country towns outside Chicago. It has a force of full-time physicians and nurses, besides a part-time staff. The territory covered by the department is divided into fourteen districts, each in charge of a public health nurse bearing the title of a deputy director of public health. These nurses render a threefold service, viz., child care, tuberculosis care and home-visiting. Ten health stations or clinics devoted to child welfare are in operation and more are projected. A sanitary engineer is employed to examine and test the sources of water supply and conduct other sanitary work. County expenditures for public health increased from $12,000 in 1923 to $91,000 in 1929, not a very large item in a budget of 18,000,000.

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[8] The amount expended by the county for public welfare increased from $4,948,000 in 1923 to $7,455,000 in 1927. In 1923 the amount represented 37 per cent of the total budget; in 1927, 43 per cent. The amount spent by the city for corresponding services increased from $3,280,000 in 1923 to $4,338,000 in 1927.

Nearly all the road construction work performed by the county is outside the limits of the city. The only roads built inside Chicago consist of small stretches, not longer than one mile, which are necessary to connect county roads with city streets. Out of one hundred miles of roads for the paving of which the county contracted in 1925, only seven were for connections of this nature.[9] The county paves such connections only to a width of twenty feet, and the city supplies the balance of the pavement.

Since 1889 when the city boundaries were greatly extended, Chicago's city park development has been all within the borders of the city. Some fifteen years ago the leaders in the park movement realized that the city needed large additional parks, particularly natural parks. The only suitable forest lands were located outside the city and were rapidly disappearing. Neither the several park boards nor the city government itself were able to acquire the desired lands. Having jurisdiction over the city territory which had to supply the bulk of the funds and the outside territory in which the parks were located, the county government, on the other hand, could conveniently undertake to do so. But there were legal and other objections involved in granting forest preserve powers directly to counties.[10] To circumvent the objections the familiar expedient of organizing a "district" with separate taxing and borrowing powers was resorted to. To this end an act, general in its terms, was passed in 1913 under which it became possible to establish the Cook County Forest Preserve District as a separate corporation. By making the district boundaries coterminous with Cook County the county commission under the law became the governing board of the district. By this provision the proposal that the Sanitary Commission assume jurisdiction over the forest preserve district was defeated. Acting under this law, the county commission proceeded to acquire land. By 1929 it had acquired 31,500 acres "surrounding the great metropolis of Chicago like a huge picture frame and within easy access of all citizens of the county." It had also substantially improved the preserve, built many roads, four golf courses, several landing fields for aviation, a great number of tourist camps, log cabins, bath houses, children's playgrounds, tennis and baseball fields, and began work on a natural zoölogical garden. By 1929 it had spent approximately $19,600,000 on land and improvements exclusive of the Zoölogical Park.

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[9] From a letter of J. L. Jacobs, consulting engineer.

[10] The constitution limited the county tax to a maximum of ¾ per cent of the assessed valuations and the rate at that time was not much below that figure.

The constitutional convention of 1922 recommended certain modifications in the constitution to make possible substantial changes in the structure of the government of the county. Under the proposal the legislature was to have power to provide for different forms of county government in different classes of counties but any such new form was to take effect on the approval of a majority of the voters of the county. The proposed constitution, however, was defeated by the people and thus the county continued under its old form of government.

Though no reform has thus been carried out in the structure of the government, some improvement has been made in methods of operation. Because of new activities and increased expenditures generally, the county tax rate was approaching the limit of ¾ per cent allowed by the constitution. The county attempted to introduce economies, and hired a firm of efficiency engineers to make an investigation. Various suggestions emerged, some of which the county commission adopted. These innovations, it is claimed, resulted in substantial savings which made possible increased expenditures and services in other directions.[11]

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[11] Economies were effected for example in the printing of tax bills, recording of tax bills, preparation of payrolls, etc., by the installation of improved methods, according to J. L. Jacobs, consulting engineer. See his report of August 20, 1925, in the *Proceedings of the Cook County Commission.*

For some time an extension of the merit system to all county employees has been urged, but without result. In 1929 less than 50 per cent of the entire county personnel—mainly the institutional employees—were under civil service. All departments in charge of elective officials are outside the classified group and are filled by political appointees, many of whom perform no real service. Undoubtedly economies in the salary roll could be effected by an extension of the merit system.

Some years ago the county erected a building on one-half of a city block and later the city built its building on the other half of the same block making its part to conform architecturally with the county structure. Each provides for the maintenance of its half. Until 1925 there were two heating plants and two ventilating systems in the building. The engineers referred to above discovered that one plant could very well serve the entire building at a saving of $55,000 to $60,000 a year. One government not being allowed by law to sell steam to the other, the consolidation of the heating plants had to await the passage of enabling legislation. Today legal obstacles stand in the way of consolidation of the janitor and labor forces. The sheriff, under the constitution, is the custodian of all public property of the county. He hires the janitor and the cleaners, and his authority in the matter cannot be transferred to a city official. Until the constitution is changed, the floors in the halls and corridors must be washed every day by each force up to a fixed dividing line. The abovementioned experts found that the county janitor's force which is not recruited under civil service is twice as large as the city janitor's force which is under civil service. As the floor space to be washed and taken care of is the same in either case, no excuse could be furnished for the difference. A reduction in the size of the force was consequently ordered by the county commission.

The city and county maintain jointly the so-called Chicago and Cook County School for Boys, which is a school for delinquent children committed by the juvenile court. The city put up the buildings. The county provides for the operation and maintenance of the plant. The board of education provides for the education of the boys.

The two governments support in common an adult probation department. Originally the judges of the county and of the municipal courts employed separate probation officers and there was much confusion. A scheme was consequently evolved by which they appoint jointly a chief probation officer and the latter appoints his assistants.

Wayne County (Detroit)

Wayne County embraces the most important part of the metropolitan area of Detroit. It includes, besides Detroit itself, the principal industrial suburbs of that city and some of its richest residential satellites. Today the city in its growth has reached the northern limits of the county, and is now overflowing into the counties of Oakland and Macomb. In area the county is three times larger than Detroit, but eighty per cent of its population and assessed valuations are found within the limits of the central city.

The county is governed by a board of supervisors, a "board of auditors" and a number of more or less independent officers.[12] The board of supervisors is the legislative body of the county. When first created in 1827 it was composed of nine members of whom only one was from Detroit. Its membership has grown on account of the increase in the number of civil divisions in the county, and also because of the growing population of the cities. In 1929 it had a membership of 125. Of these, 71 were from Detroit, 36 from the other seven municipalities in the county and 18 from the 18 townships in it. The members from Detroit are the mayor, the council, the chiefs of the various city departments, and twenty-eight members appointed by the council. The representatives of the other civil divisions are likewise their official heads. Thus the municipal governments and the county government interlock in part. The board adopts the budget and the assessment rolls, levies taxes, borrows money, and performs other legislative functions. It meets three times a year once for two weeks, once for ten days, and once for five days, and holds special meetings whenever necessary.

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[12] This outline of the government of the counties is based upon the information given in the *Manual of Wayne County.*

The board of county auditors created originally in 1845 is the chief executive board of the county. It is composed of three "auditors" elected at large. Since 1883 two of them have had to be residents of Detroit. The term "auditor" is somewhat misleading inasmuch as they perform not merely auditing work but executive functions in general. Their chief financial function consists in preparing the budget for consideration by the ways and means committee of the board of supervisors, the administration of the various county funds, and supervision of all county expenditures. Their general executive duties include the appointment of a number of county officers and the management of certain county properties.

In addition there are the usual number of constitutional, independent officers "over whom the public exercises small control." "Fortunately," says the Detroit Bureau of Governmental Research," the government of Wayne County has been comparatively efficient."[13] This has been true, however, despite the form of organization of the county. "No responsible executive exists in Wayne County, the board of auditors having little authority over several important departments."[14]

The planning and constructing of major roads, known as superhighways, in coöperation with the two other counties mentioned, probably represents the outstanding accomplishment of the county in metropolitan development.

The superhighway system has been an outgrowth of planning for a rapid-transit system.[15] The idea was launched in 1923 by the transit commission of Detroit. It called for the construction of radial and circumferential superhighways two hundred and four feet wide, the central strip to be used for rapid transit. The city plan commission and several other departments of the city and the road commission of the three counties approved the idea, and a definite plan was developed by all these agencies acting together. To further the execution of this plan an act was passed in 1925,[16] empowering any two counties to contract between themselves, by a two-thirds vote of their respective county supervisors, for the execution of such a plan and to establish a joint commission for the purpose. This joint commission, called the Superhighway Commission, is composed of the road commissions of the two counties and the state highway commissioner. Its function is to develop the plan in all its details and submit it to the boards of supervisors of the two counties for approval. The latter bodies, after approving the plan, may appropriate to the commission money necessary for the work up to a sum equal to the proceeds of ½ mill tax. The commission can then proceed to execute the plan. Inter-county contracts can be made for a period of not less than five years nor more than twenty years.

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[13] The Metropolitan Area, in *Public Business,* published by the Detroit Bureau of Governmental Research; September 10, 1923, p. 5.

[14] *Ibid.*

[15] *Proposed Superhighway Plan,* report of the Rapid Transit Commission of Detroit, April 10, 1924.

Two superhighway commissions were created in the fall of the same year—one by Wayne and Oakland Counties and one by Wayne and Macomb Counties. The plan prepared by the commissions, embracing an area of about four hundred square miles and known as the master plan, was approved by the supervisors of the three counties. All platting in these counties is required to conform to this official plan.

The original plan of organization was modified in actual practice in one particular; instead of appropriating money to the superhighway commission and entrusting the work to it, the counties made the appropriations and entrusted the execution of their respective parts of the plan to their respective road commissions. The superhighway commissions, consequently, did nothing beyond the development of the plan, and remain today as conference bodies to eliminate unnecessary duplication of staff and administrative expense on the part of the several road commissions.

In recent years, county planning and control of platting have assumed a prominent rôle among county activities. A law enacted in 1925 made the public control of platting more effective than it had been before, by requiring all plats to conform to a definite city or county plan.[17] All plats approved by the municipal authorities must go to the board of county auditors for final action. "This board shall see that all streets and highways shall be in conformity with plans for state trunk lines and with such county plans as may have been deemed advisable by the board . . . ." says the manual of the county.[18] "Because the city of Detroit is in Wayne County and because much of the outlying territory will eventually be a part of Detroit, the board of auditors has adopted a comprehensive county plan which provides for a logical lay-out and a well ordered system of streets, highways, superhighways and boulevards which may in time be annexed to the city and required to conform to the city plan. This fact makes platting requirements in Wayne County very strict."[19] The city plan commission, which exercises jurisdiction both in the city limits as well as a certain distance outside, is assisting the county board in the technical work of developing the county plan.

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[16] Michigan *P. L. 1925,* Ch. 381.

[17] Under the old law for example, "no definite widths for streets, alleys or easements could be required by local examining authorities nor could provisions be made concerning layout of lots or continuity of streets." *Manual of Wayne County,* 1926, p. 111.

Since 1919 the county has been engaged in developing county parks, under powers granted by the legislature in 1913. The expenditures for park purposes, however, under this act, could not exceed $1,000 per annum and the country therefore could do nothing. In 1919, public-spirited citizens donated some park lands to the county, and so spurred the county to seek broader legislation. By 1921 a law was secured permitting the county to levy a tax not greater than one quarter of a mill.[20] In 1923, by another enactment, the county road commissioners were designated as the park trustees.[21] "This," says the county manual, "proved to be a very logical change for the road commission with the facilities at its disposal has been able to make much more rapid progress than would otherwise have been possible."[22] Inasmuch as a park system nowadays involves parkways, the consolidation was wise.[23]

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[18] *Ibid.*

[19] "It has been the experience of the Wayne County Auditors that without public control of platting the outlying districts of the city would soon develop into a first-class labyrinth. Many of the plats presented have to be entirely rejected because they do not conform to any plan except that of the owner. The tendency among property owners is to squeeze as many lots as possible out of a given area without regard to proper allowance for streets and alleys or to any conformity with the plan of adjoining property. This condition makes some coordinating agency absolutely essential." *Manual of Wayne County,* 1926.

[20] Michigan *Laws, 1921,* ch. 36.

[21] Michigan *Laws, 1923,* ch. 100.

Since 1925, the county has been actively engaged in constructing drains and sewers in the territory outside of Detroit, under an act of that year simplifying the procedure for the organization of drainage districts and increasing the powers of the county drain commissioner in planning, constructing and financing the drains.[24] Two districts were organized in 1925-26. One, lying to the west of Detroit and embracing the greater part of Lincoln Park and portions of Ecorse and Taylor townships, involved the construction of a drain costing one and a half million dollars. Bonds were issued for the purpose and the debt charges assessed on the property-owners of the district. Ordinarily the county drain commissioner constructs only the main drains, the local civil divisions usually constructing submains and laterals. The construction of the drains is to be followed by the construction of treatment plants.

A county library has been maintained since 1917, which had 26 branches by 1929. A county nursing service for rural schools and districts has been operated since 1926 under the auspices of the county school commissioner's office. A county agricultural extension service devoted to eradicating tuberculosis among cattle and to various other phases of farm economy has been maintained since 1912. The county has also greatly expanded its welfare activities, acquiring among other things, a training school for backward children, of which the county is particularly proud, and a hospital for the feeble-minded and insane.

Milwaukee County

The county of Milwaukee embraces the entire urban and suburban territory of Milwaukee and considerable rural territory as well. Its governing body is a board of supervisors of twenty members.

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[22] *Manual,* p. 107.

[23] The extent of the county park system is described in *Twenty Years of Progress,* report of the Wayne County Board of Road Commissioners, August 31, 1926.

[24] Michigan *Laws,* 1925, No. 352. A drainage division was established in the state department of agriculture which exercises general supervision over the operation of the drainage law.

Of the new activities assumed by the county in recent years, the most prominent have been regional planning and park development.

A regional planning commission appointed by the county board supervises platting and administers major zoning for the entire county. The parkways planned by the commission are taken as a base for residential zones, and the railroad lines as a base for industrial zones. The regional commission coöperates with the town planning boards.

A county park board is developing the system of county parks and parkways devised by the planning commission, supplementing the city's park system and encircling the city almost completely. The board now administers 2,244 acres of parks, containing four 18-hole golf courses, at an operating cost in 1929 of $27,000. The bulk of the land cost is being financed by assessments.[25] The peculiar methods adopted in Milwaukee county to meet the sewerage problem have combined the city, the county and a special sewerage district in a complicated arrangement. Although, in the last analysis, the work was financed by the county, the city has also been involved, and the system itself was placed under a commission representing all interests in the metropolitan sewerage district.

The question of the proper organization for the administration of sewage disposal in the Milwaukee region has not yet been satisfactorily settled. By an act of 1921 a metropolitan sewerage district, embracing 80 per cent of the territory of the county, was established to construct intercepting sewers in the suburban territory which would tie up with the city's system then in process of construction. Only by such coördinated action would the pollution of Lake Michigan waters be stopped. Furthermore, the device of a special district enabled the necessary works to be built at a time when the city's legal borrowing margin was insufficient to finance them. By a unique provision the bonds were to be issued by the county, which was in turn to be reimbursed by a tax upon the district. When the city needed additional funds for its works it became the duty of the county to issue bonds to the necessary amount. In reality the county became the financial backer of the development, both in the city and in the outside territory, but by virtue of the resort to the district plan was enabled to finance it outside its debt and tax limits. The district, or county, commission interlocks with the city commission, which was created in 1913 but which soon came to realize that the problem was of more than city proportions. The chairman of the city commission is a member of the district, or county, commission. Both commissions employ the same secretary, engineer, and staff. The city commission hires the employees, but the county commission pays them.

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[25] Report of the Milwaukee County Regional Planning Commission, 1924.

Obviously, such a plan, involving two commissions and the county board, is too complicated to give full satisfaction. Various proposals for simplification have been placed before the legislature but thus far none has prevailed. Nevertheless the work of the Metropolitan and City Sewerage Commission has gone forward; the sewage disposal plant which it erected being one of the outstanding developments of its kind in the United States.

CHAPTER XIII

EXPANSION OF COUNTY GOVERNMENT TO MEET METROPOLITAN NEEDS (CONCLUDED)

Cuyahoga County (Cleveland)

The developments which have taken place in the government of Cuyahoga County, though not so significant as those which have been considered, are nevertheless interesting. The area of the county is six and a half times that of the city. Eighty-five per cent of its population and 73 per cent of its assessed valuations lie within the city of Cleveland.[1]

The government of the county is composed of a board of three commissioners and the usual retinue of independent elective officers. Its structure is the same as that of any other county of Ohio. The county assesses property and collects taxes not only for itself and for the state but also for all the other municipalities and civil divisions within it. The county sometimes builds bridges and viaducts within the limits of the city and contributes funds (generally one-third of the cost) for the pavement of certain city streets. This is generally done where the bridges or viaducts lie on important arterial roads which presumably serve the entire county, or where the streets, originally located in county territory, were not officially taken over by the city following annexation of the territory to the city. There are nevertheless many streets, connecting with the most important county highways and carrying a heavy county traffic, to the paving of which the county makes no contribution. Among the bridges built by the county the following are the largest:

Superior High Level	costing	$6,000,000	completed in 1917
Dennison-Harvard	costing	670,000	completed in 1911
Brooklyn-Brighton	costing	850,000	completed in 1916
West 73rd Street	costing	360,000	completed in 1925

Sewerage and water pipes are being extended into the suburban and rural territory, under the Ohio Sanitary Laws, by the county sanitary department. The procedure is for the county commissioners first to create sanitary districts. This they can do in township territory without local consent, but in villages only at the request of the local governing body. The county sanitary engineer, appointed by the commissioners with power to appoint his subordinates subject to civil service regulations, designs and constructs the sewers and water mains, and assesses the costs on the district which afterwards maintains the sewers. The water mains are maintained by the water department of Cleveland, under the supervision of the county sanitary engineer. Plans for sewers must be approved by the county commissioners and the state board of health; those for water mains, by the county commissioners and the city water department. In villages, the department usually constructs only the main trunk lines, leaving to the village the construction of the laterals. In some cases, however, the village prefers to have the department do the entire work. Construction costs, maintenance costs, and general overhead of the department are assessed on the districts and the assessments are collected by the county auditor. Thus the work costs the county nothing. The water is furnished by the city. In some cases the city furnishes it directly to the consumers. In others, it supplies it directly to the village which distributes it itself. The city collects water rents directly from the consumers or from the village government.

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[1] City's area 71.6 square miles, county's 463 in 1927. The population is taken as of 1925.

By 1926, five years after the organization of the department, fourteen districts, covering one-third of the county area, had been erected for the double function of water distribution and sewage disposal. The department's work is proving very popular with the people.

A county board of health serves the townships and smaller municipalities. In addition to maintaining its own welfare institutions the county pays a part, and in at least one instance all, of the costs of certain city institutions. This is the situation with respect to insane patients, tubercular patients, and workhouse prisoners whose care, under the law, is cast upon the county. Instead of building its own institutions in duplication of those of the city, the county contracts annually with the city for the care of such persons. The county construes the words "county residents" as meaning the residents of Cleveland and the other cities as well as the residents of the rural districts of the county, and pays the city for the care of both.[2]

The existing governmental arrangement in the Cleveland region is admittedly unsatisfactory. Its faults have been described in the report of the Regional Government Committee of Greater Cleveland (1927-28). A new form of metropolitan government based on a revamped county structure and involving the borough or federated plan has been proposed. A description of the most recent effort will be found in Chapter XVIII.

Hamilton County (Cincinnati)

The general scheme of government of Hamilton County is the same as that in Cuyahoga or any other county of Ohio. Like Cuyahoga, Hamilton County assesses property and collects taxes for city purposes as well as county and state objects. It lays some pavement within the limits of the city under the Ohio code (sec. 6929) which permits a county to build a highway in a city if it be a continuation of a state highway. The county has in recent years undertaken major bridge construction within the city.[3] It constructs sewers and water mains in the unincorporated territory outside the city limits and organizes assessment districts for the purpose. Sometimes outlying portions of city territory which naturally drain into the county territory are included in such sanitary districts.

In the field of social welfare, however, the county until recent years was inclined to confine its activities to the territory lying outside the city limits. While the city maintained certain institutions for the care of city residents, the county maintained corresponding institutions for the care of "county residents," a term comprehending "residents of the county outside the municipality." In course of time dissatisfaction with this arrangement developed in the city. The city had reached its statutory tax limit and was experiencing difficulties in financing not only its new enterprises, but even its ordinary activities, and the expansion of its social welfare work had contributed to these difficulties. The county, on the other hand, was in a relatively opulent condition, drawing its resources very largely from the city territory, but making relatively little expenditures therein.

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[2] See report of Cleveland Municipal Research Bureau on an investigation of payments by the county of Cuyahoga to the city of Cleveland for board and care of persons in city institutions.

[3] Thus the county paved Liston Avenue at an expense of $285,000 and began in 1926 the paving of Montgomery Boulevard in the city which connects with Norwood and represents an important highway. It also built the Eighth Street viaduct, costing two and a half million dollars.

Obviously, justice dictated a readjustment in the burdens of the two governments, both supported by the city. It seemed evident that the city corporation should be relieved of certain expenditures for social welfare which the county government should assume; that the latter's functions in the social welfare field, in other words, should be enlarged to include the city territory. It was contended that the city was paying four-fifths of the county's taxes and was entitled in return to some county welfare services. Certainly the term "county residents" should include the residents of the city who paid the bulk of the county taxes.

The need for a readjustment of the burdens between the city and the county first appeared in the case of the city's tuberculosis hospital. Being unable longer to finance this institution and at the same time meet its other needs, the city in 1923 turned the hospital over to the county, upon the condition, however, that the county operate it for the benefit of the residents of the city as well as the territory outside. Later a demand was served on the county to reimburse the city corporation for what the latter had spent in construction, but the propriety of such reimbursement was questioned and the demand was not acceded to.

The two separate infirmaries which had been supported by the city and the county proved the second case in which a readjustment of burdens became necessary. The city infirmary contained a large number of inmates—all residents of the city—and the appropriations to its upkeep were a heavy drain on the city budget. On the other hand, the county infirmary had few inmates and the cost of maintenance was slight. Accordingly, the city infirmary was turned over to the county in 1924, and the former's budget was relieved of an annual expenditure of more than $100,000. The cities and villages outside Cincinnati now reimburse the county for their patients in the county infirmary.

The general hospital also entails large appropriations each year by the city. At present the county pays only for such patients as come from outside the city's boundaries, but it is believed by many that the county should pay towards the maintenance of all patients who are residents of any part of the county.

It is likely that this tendency to transfer certain functions and expenditures from the city government to the county government will continue. Sooner or later, however, the question will be raised as to whether the county government is properly organized for this work; and whether substantial changes in its organization, personnel, and method of operation should not be introduced. Such changes may be hastened by the reforms recently instituted in the organization of city government.

Hennepin (Minneapolis) and Ramsey (St. Paul) Counties

Hennepin County is governed by a commission of five members elected from five districts into which the county is divided. The commission elects its own president, vice president, and secretary and selects one of its members to serve on the board of tax levy which coördinates the budgets of the several local governments in Minneapolis. No member of the municipal government of Minneapolis serves on the county commission.

On the other hand the government of Ramsey County is interlocked with that of the city of St. Paul, as indicated above,[4] the mayor of the city serving as ex officio president of the county commission.

Ninety-two per cent of the population and assessed valuation of Hennepin County are contained in Minneapolis. Although eleven times larger than the area of the city, the outside territory is but sparsely populated. Ramsey County is small, with an area only three times larger than the area of St. Paul. Ninety-seven per cent of its population and assessed valuations fall within the city.

Hennepin County builds no roads or bridges in the city. It maintains, however, certain social-service functions for the benefit of both the city and the outside territory.[5]

Ramsey County, on the other hand, carries on a very substantial amount of road and bridge construction within the city limits. Thus, in 1923, it was authorized to issue bonds for $6,000,000, of which sum $4,500,000 was for work to be done in the city.[6] Being badly cramped by tax limits, the city government naturally tends to shift some of its expenditures to the county. Through a joint board the two governments operate the hospital, the poor farm, outdoor relief, and certain other social welfare activities. The county pays two-thirds of the cost of these, and bears the entire cost of child welfare work.

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[4] Page 203.

[5] These include a tuberculosis sanitarium and a child welfare department among other services.

Both Ramsey and Hennepin counties are spending large sums annually for aid to neighboring counties for roads to connect with their own. In some instances they furnish aid to counties which do not adjoin them. This activity is unique. Its root lies in the commercial warfare waged by the two cities. The counties act as their agents and attempt either to divert the traffic which flows to their principal rival by tapping the latter's trade route at a strategic point and thus diverting the traffic flow to their own city, or to open up new markets before the other county can do the same. To accomplish these results they must have the coöperation of the counties in which or through which the tap road must be built and must provide a financial inducement which will make it worthwhile for them to undertake the work.

Allegheny County (*Pittsburgh*)

The city of Pittsburgh, which is located fairly near the center of Allegheny County, contains approximately one-fifteenth part of the county's area, slightly less than one-half of the county's population, and about 60 per cent of assessed valuations. The county is governed by a commission of three members elected at large. It not only attends to the construction and maintenance of an extensive system of roads in the county territory, but also maintains the bridges over the three rivers in the city, which it built or purchased from a toll company, and several viaducts and tunnels which it has constructed.[7] A county planning commission was recently organized to develop a plan of county roads coördinated with the city's plan of major streets. New activities in the field of social welfare include a tuberculosis sanitarium and an industrial and training school for boys.

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[6] $1,750,000 for Robert Street Bridge alone.

[7] Sixth, Seventh and Ninth Street bridges, Point Bridge, Liberty bridge and others; also Tenth Street Tunnel, McKees Rocks Crossing, Charles Viaduct and, finally the Liberty tunnels which connect the city with the South Hills boroughs.

The proposal to transform the county into the federated city of Pittsburgh, which was defeated at the polls in 1929, is discussed in Chapter XVIII.

Marion County (Indianapolis)

Marion County embraces the city of Indianapolis, practically all of its suburban territory, and some rural lands. The city contains 90 per cent of the county's population and nearly as large a proportion of its assessed valuations. The county is governed under a scheme of government uniform throughout the state. In some respects it is more advanced than the plans of county government generally operative, for it represents an attempt at reform, made some years ago following scandalous mismanagement of county affairs.[8] The county is governed by a board of three commissioners elected by districts and a county council of seven members, three of whom are elected by the people at large and four from councilmanic districts. The board of commissioners is the administrative body of the county and exercises broad powers. On the other hand, the legislative body of the county is the county council, which is a relatively recent institution established as a check on the county commissioners who had been abusing their powers.[9] The council levies the taxes and makes the appropriations, and no money can be drawn from the treasury except on their appropriation. "Their chief power," says Dr. Lapp, "consists in their control over the budget," which is prepared in the first instance by the county auditor. The county treasurer is also the city treasurer of Indianapolis. The county assessess property and collects the taxes for the city.

Except with respect to road and bridge construction, there has been no marked extension of county activities. Several large bridges in the city have been built entirely[10] or in part at the county's expense. A common arrangement is for the county and the city each to contribute 45 per cent of the cost of the bridge and to assess 10 per cent on benefited property. The county maintains a hospital for the insane, which, however, it desires to transfer to the state. In common with all counties in the state, it maintains a small health department consisting of a part-time health officer, two nurses, and a clerk who function for the unincorporated territory. The county contributes to the city's flood-prevention service and carries on this work in the territory outside the city.

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[8] Lapp, John A. Checks on County Government in Indiana, *Annals of American Academy of Political and Social Science,* Vol. XLVII, p. 248.

[9] *Ibid.*

[10] For example, the Delaware bridge.

Multnomah County (Portland, Oregon)

Multnomah County includes the city of Portland and a part of the latter's suburban area. The remainder of the suburban area lies within two neighboring counties. The county is governed by a commission of three members and the usual set of independently elected officials. In addition to building and maintaining roads outside the city limits, the county cares for certain roads inside the city. In 1927 sixty miles of such roads or streets came under its jurisdiction. These are old county roads which were originally outside the limits of the city in territory afterwards annexed. They have not yet, however, been turned over to the care of city government. Many of them are not arterial roads and remain "county roads" because of the reluctance of the city to accept them and assume the burden of reconstructing and maintaining them.[11]

"The reluctance of the city to take these county roads is the more acute," says Professor McKinley,[12] "because the county government receives the entire local allotment of the motor-vehicle license money while the city of Portland, where 95 per cent of the vehicles are owned, receives not a penny from this fund. The fact that, when the motor-vehicle license system was set up, automobiles were exempted from the personal property tax adds weight to this grievance. The feeling of the city officials seems to be that so long as the county receives this money it should spend some of it in Portland street improvement and maintenance."

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[11] Out of 58½ miles of county roads, 23 1/3 were paved and the rest were macadam and gravel, according to the figures for 1926.

[12] *Memorandum on Highways in the Portland Region.* Submitted to the Government Simplification Commission of Multnomah County by Charles McKinley, January 20, 1927, p. 68.

Within recent years the county has taken over gradually from the city the construction and maintenance of bridges over the Willamette River. The city government of Portland has acquiesced in this transfer, viewing it as "another means of getting the county to spend some of its motor-vehicle license money in Portland" and of relieving the city government of substantial burdens.

All three counties embracing the metropolitan area of Portland have been attending to the road needs of the suburban area. Two have made extensive use of the expedient of road districts and assessing property therein for the cost of the work.

The interest in good government which brought about the adoption in Portland, ten or more years ago, of the commission form of government led also to improvement in the functioning of the county government. Following disclosure of irregularities in the county commission, local civic leaders prevailed upon some outstanding residents of the city to become candidates for commissioner. As a consequence a new commission was elected which proceeded to manage affairs in a businesslike way. In 1927 the Governmental Simplification Commission submitted a proposal for constitutional county home rule, but the legislature at the instance of the county officials refused to submit it to the people.[13] Consequently the structure of the county's government remains unchanged.

Essex County (*Newark*)

Essex County, New Jersey, is relatively small, embracing only 127 square miles. The eastern section, containing the city of Newark and a dozen other municipalities, is thoroughly urban in character. The western part, however, is still semi-rural in nature, but is rapidly undergoing urban development. The urban section contains 97 per cent of the population of the county, the other only 3 per cent. In area the two sections about balance each other. The urban section is, however, expanding at the expense of the other.

The county is governed by a board of freeholders, the members of which are elected from the various municipalities and townships, a county supervisor who acts as operating manager, and a number of independently elected or appointed county officials, or boards. From the standpoint of organization the government framework presents the usual jumble.

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[13] See Chapter X.

To a large degree Newark dominates the county. It contains 60 per cent of the county population and employs many people from neighboring towns. Nevertheless its influence is restricted by the domination which New York City exercises over the greater metropolitan region.

The county builds practically no roads or bridges in Newark, or indeed in any of the other municipalities. Its tendency has been to turn over to the city all roads formerly under its control, on the theory that the city should control its own streets. The suggestion has been made that this theory should not preclude the county from contributing at least to the cost of paving those streets which carry heavy county traffic; that the city, which pays 60 per cent of the county's taxes, should receive some return in roads.[14]

For nearly three decades, the county has been developing and maintaining a park system. From its very inception the work has been entrusted to a special board of five members appointed by the judges of the supreme court sitting in the county. The county board of freeholders is required to supply the funds by issuing bonds and appropriating money, but has no discretionary power in the matter, inasmuch as the amount of money which the park board may borrow and the amount of current revenues are fixed by law. Some of the county parks and parkways lie within the limits of Newark.

In recent years the county has assumed responsibility for vocational education. Previously Newark had maintained its own vocational schools, but because of local feeling that it was being mulcted by its heavy contributions to the county vocational school, the transfer of the city's vocational school to the county was proposed. As a result, the county board has taken over the new boys' vocational education building, has reimbursed the city in part for the cost of its construction and has assumed responsibility for vocational education within the city.

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[14] In 1919 a survey found that the territory west of the Watchung Ridge representing 2.9 per cent of the assessed valuations had 60.5 per cent of the county roads. Recently under an agreement with the city the county accepted responsibility for the maintenance costs of Chancellor Avenue. For a more detailed discussion of this situation see *Newark Survey* by the New York Bureau of Municipal Research, 1919, p. 815 (typewritten).

In the field of social welfare in which county activities have expanded Newark is served by the county just like any other community in it.

Hudson County (Jersey City)

Hudson County is one of the smallest counties in the country, covering only 43 square miles, with a population density of almost 15,000 per square mile. Jersey City, boasting a population of 350,000, contains about one-half of the residents of the county. Within this small territory are found twelve municipalities, each with an average area of but 3-½ square miles. Exclusive of the wide stretches of meadow land which are not yet fit for habitation, the county is one continuous chain of city blocks. Few counties in the United States are more urban in character.

Although the need for some effective central government has been great, no marked tendency to transform the county into such an agency has appeared. Relatively few roads traversing the various municipalities are county roads; rather does each municipality provide for its particular portion of these roads. Hudson Boulevard is the only street extending from one end of the county to the other. It is under county control and is managed by a special board of three members elected at large and possessing considerable independent authority. There is a county park board similar in every respect to that of Essex County. No work is carried on by the county in the field of vocational education. Within recent months, renewed agitation for a consolidated city-county government has begun under the leadership of Jersey City, but as yet it has been coldly received in the other municipalities.

Baltimore County (Maryland)

How a century or more ago Baltimore County was separated from the city and how the city on several occasions has taken territory from the county by annexation has been described in preceding chapters.

As has been stated, there are no incorporated places in Baltimore County. There is not even any town or township organization in it. The entire county territory, covering an area of 607 square miles, with a population of more than 80,000, is one political unit, serving all local governmental needs. Yet several substantial communities with populations of two or more thousands lie in the county. One of these—Towson—has a population of seven or eight thousand. The absence of incorporated places is explained by a desire of the county government to retain complete control over the whole area and by the fear on the part of the communities of increased taxes.

It therefore devolves upon the county to perform extensive functions of municipal government. With the exception of education and judicial and court activities, legislative and administrative duties fall generally under the control of the county commission of five members. A county board of education, appointed by the governor, in turn appoints a county superintendent of schools and selects local school committees who engage teachers with the approval of the superintendent. The school tax is levied uniformly throughout the county and the proceeds are apportioned by the county board.[15] A county police force, distinct from the sheriff's office, and a county fire department are maintained. Street lighting and garbage collection are furnished the larger communities. The county health department is still in embryo.

Water supply and sewage disposal are provided on the "benefit district" plan to the urban territory on the borders of Baltimore City, which has been organized into the Baltimore County Sanitary District. The county commission is the governing body and the district is empowered to borrow up to 7 per cent of its assessed valuation irrespective of the county debt. However, it is the city of Baltimore which has actually constructed and continues to operate both the sewerage and water systems as integral parts of its own greater systems. It has been the practice for Baltimore City to annex sucessive portions of the county as the city population overflowed into it, so that when the present district becomes incorporated with the city no change in operation will be necessary.[16]

[15] School expenditures exceed even those for roads. In 1925 schools required $873,000; roads and bridges, $744,000; fire protection, $144,000; police, $104,000; street lighting, $85,000; and garbage removal, $35,000.

[16] See V. B. Siems, *Baltimore Municipal Journal,* September 10, 1925.

In common with the other counties of Maryland, Baltimore County is regulated in great detail by the state legislature. In reality this denotes regulation by the county delegation in the state legislature, at whose behest local laws are passed and repealed. In the belief that the government was politically rotten and wasteful, a strenuous effort was made in 1920 to adopt a county charter under the county home-rule provisions of the state constitution. The proposed charter provided for a county manager after the analogy of city manager government but aroused extraordinary opposition from political circles and was defeated by a decisive vote.[17]

Westchester County (New York)

The county of Westchester is the dormitory for a considerable part of New York City's business population. On account of its proximity to the city and improvements in transportation, its southern portion in recent years has been developing very rapidly. From a population of 283,055 in 1910 the county has grown to a population of 344,436 in 1920 and 425,798 in 1925. It embraces an area of about 450 square miles, one third of which has become thoroughly suburbanized. The northern two-thirds are in the process of being transformed into urban territory.

No single city dominates. There are four cities of more or less comparable size—Mount Vernon, Yonkers, New Rochelle, and White Plains—and eighteen towns (or townships) which together contain twenty-three villages. All the cities and most of the villages are located in the southern suburban section, which is tightly packed with such civil subdivisions. Various sewer, water, police, fire, and lighting districts have also been created to provide improvements or services beyond the scope of the municipalities. Each has its own governing board.

The county is governed by a board of supervisors which number forty-two members. Eighteen are town supervisors (heads of the eighteen towns) who serve on the county board, ex officio. The rest are elected from the cities sometimes by wards, sometimes at large. There are also a dozen or more elective officials managing certain departments of the county.

[17] For a criticism of Baltimore County's present government and analysis of the defeated charter, see H. W. Dodds, A County Manager Charter in Maryland, *National Municipal Review,* Vol. VIII, p. 504.

With the urbanization of the southern portion of the county, governmental problems began to appear with which no single municipality or town could cope. For the satisfaction of such needs as were common to the whole suburban region, or substantial parts of it, the county seemed the most appropriate agency.

One of the first tasks of this nature was sewage disposal, and the protection of rivers from pollution. From the effort to solve this difficulty grew, curiously enough, the development of county parkways and parks. The building development in the Bronx, Mount Vernon, and other settlements in the valley of the Bronx River, turned the river into an open sewer to the jeopardy of public health. The adjoining lands depreciated in value and became the dumping grounds of the various settlements.[18] After several years of investigation and agitation the Bronx Valley Sewer Commission was created for the purpose of building a sewer, and the county was authorized to issue bonds and assess the costs against the district benefited.[19] But the sewer did not protect the valley from refuse dumps and other pollution and in 1907 the Bronx Parkway Commission was formed to develop and construct a parkway along the river.[20] The legislature provided that three-fourths of the cost of the parkway was to be defrayed by the city of New York, whose residents would make the greatest use of it, but this proportion was deemed unfair by the city. Appropriations to undertake the work were, therefore, not forthcoming until certain reductions in area demanded by the city had been made. The work therefore was much delayed, the parkway not being completed until 1925.[21]

Meanwhile, citizens, concerned because of the pollution of other streams and the impairment of adjacent lands, began to urge further application of the same remedy. Accordingly in 1922 the legislature established the Westchester Park Commission to build parks and parkways. In 1926 the Westchester Sanitary Commission was created to construct sewers and clear the streams of pollution.[22]

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[18] *Final Report of the Bronx Parkway Commission*, 1925, p. 15.

[19] Chap. 646, *Laws of 1905* (New York).

[20] Chap. 594, *Laws of 1907* (New York).

[21] See Chap. IV for further discussion of this project.

[22] Chap. 292 *Laws of 1922;* Chap. 603 *Laws of 1926* (New York).

The Westchester Park Commission is composed of six citizens appointed by the county board of supervisors, and functions under the latter's control. Its plans must be approved by the board before they can be executed, and the necessary funds are raised on authorization of the board. The bonds issued are county bonds, and the interest and sinking fund charges are paid from the general tax levy. No special assessments are imposed. Upon the completion of its work, in 1925, the Bronx Parkway Commission was legislated out of existence, and New York City and Westchester County assumed the maintenance of their respective shares of the parkway.[23] In Westchester County, this task fell to the new park commission, subject to the general control of the board of supervisors above noted.

This commission is authorized to acquire and construct parks, parkways and boulevards. Sanitation and preservation of the purity of streams continues as an incidence of the broader obligation to provide open spaces for the people. The commission's work proper falls into two divisions: the first, the construction and care of motor traffic parkways; and the second, the development of recreation facilities, such as beaches, swimming pools, golf courses, play fields, picnic groves, and forest preserves. The commission provides facilities for recreation, but does not administer the recreational activities, which are in the charge of the county recreation commission. Up to the present its program involves capital appropriations of more than $60,000,000. In 1929 the income from rentals, concessions, golf courses, beaches, and other facilities afforded a surplus of $39,424 over the operation and maintenance budget of $1,544,208. The county recreation commission assists local communities to set up recreation activities of their own.

The Westchester Sanitary Commission consists of three citizens appointed by the county board of supervisors and serves without compensation. It is authorized to build intercepting sewers, sewage disposal plants, and sewer outlets to discharge into Long Island Sound or the Hudson River, and for this purpose to divide the territory into sanitary districts. All its work is under the control of the county boards of supervisors. Its plans must be approved by the supervisors before they can be executed. Sewer districts can be created only on the authority of the supervisors, and bonds can be issued or money drawn from the treasury only upon specific authorization by the supervisors. Though the county advances money for this work, it reimburses itself eventually by levies on the sanitary districts.

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[23] A special act was passed in 1925 thus disposing of the ownership and management of the park.

Six sanitary districts have been created by the county on the recommendation of the commission. These together with the old Bronx Valley Sewer District embrace nearly the entire southern urbanized portion of the county. At present the commission's program calls for an ultimate expenditure of $55,000,000.

The department of public welfare of Westchester County, which superseded the old office of superintendent of the poor, is perhaps the leading agency of its kind in the United States. For the high standards of this department, credit is due to the late V. Everit Macy, who almost single-handed created the department and served as its head until his death in 1929.

Besides the usual welfare institutions, mothers' pensions and child welfare work, the county maintains a general hospital. The county's highway department is executing an extensive program of rebuilding the old road system into modern concrete highways.

A recent addition to the county's functions is the establishment of a county health department under a special act passed by the legislature in 1929. This act combined the preëxisting local health districts, with the exception of some larger municipalities, into a county health unit. Dr. Nathias Nichol, Jr., resigned as state health commissioner to become head of the new department.

Nevertheless there remain many fields of municipal activity into which the county government has not yet entered. The water supply situation is admittedly deplorable. Although some communities are fortunate enough to be located near New York City's aqueduct and manage to tap it for water, under a right granted by statute, others must depend on independent supplies which in most cases are utterly inadequate. Some of these are municipally owned, others are in private hands.[24]

[24] See Nicholas S. Hill, Jr., *Report on the Water Supply of Westchester County to the Board of County Supervisors of Westchester County,* November, 1923.

The report of an engineer employed to conduct an investigation recommended that the county develop one central supply of water, from which most if not all communities in the southern district could be supplied, and establish a special commission which could take charge of the work and assess the communities affected for the costs. The report was purely preliminary in nature, and the plans advanced were incomplete in their engineering as well as administrative details. No action was taken by the county on the report.

Transportation between the county and New York City has become a matter of grave importance. So far the county's interest in transportation has been limited to a study of plans for improved communications. The Westchester County Transit Commission, established under a law of 1921,[25] has submitted several reports and works in coöperation with the other bodies in the metropolitan area concerned with the transit problem.

In the fire and police services within the county, chaos reigns. Besides city and village police and fire departments there are district police and fire departments serving the unincorporated territories organized into districts for the purpose. A proposal to establish county police or fire departments would undoubtedly arouse strong opposition from the local communities but an extension of county activities to cover these services seems likely at some future date.

While the activities of the county government were expanding and projects for the assumption of still other activities by the county were being advanced, the civic leaders of the county began to be concerned over certain fundamental defects in the structure of the county government and certain unsatisfactory features in its political status, and to consider possible remedies for the situation. They felt first of all that their county government could not function efficiently without a central executive.

In 1921 an amendment was added to the New York constitution to confer upon Westchester and Nassau Counties a limited amount of charter home rule. By its terms, the legislature is empowered to "provide forms of government" for each of these counties, subject to the approval of the voters. Functions per-

[25] Chap. 591, *Laws of 1921,* (New York).

formed by towns may be transferred to the county, but the power of the legislature to amend or modify the adopted charter continues. Under this new authority, three determined but unsuccessful efforts to obtain a locally drafted charter have failed in Westchester. The first charter proposed was defeated by the people at the polls in 1925; the second, containing some minor changes, was vetoed by the governor in 1926 after passage by the legislature; the third was also rejected by the voters in 1927. The purport of all three, which were modeled after the form of government of second-class cities in New York, was to centralize power and responsibility for administration and to separate in some degree administrative and legislative functions. While the proposals tended towards a modernization of the present archaic structure, none of the three attempted to broaden the scope of county government by transferring town powers to it. Consequently the increasingly aggravated problems of the political organization of the region are yet to be worked out.

Summary and Conclusions

The review of the developments which have taken place in individual metropolitan counties and suburban counties forming parts of metropolitan regions can be summarized briefly as follows:

There has been a great expansion in the activities of these counties in their historic field of road construction, but such activities have been confined as a rule to areas outside the city.[26] Although some counties take care of a few roads in parts of the city which, prior to the annexation of the city, fell within their jurisdiction, only two or three as yet furnish county aid in major street developments or participate with the city in planning them as an integral part of the county highway system. With respect to major bridge construction the tendency of the counties to include the city in the scope of their activities has been more pronounced. In at least four cities the major bridges have been built and are operated by the county.

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[26] This expansion has been forced on the counties by the great increase of traffic within them, and by the tendency of the states to let such counties build their own roads and to confine their work to the poorer counties. The policy of the states with reference to road construction in metropolitan counties, in other words, is often the same as the policy of the metropolitan counties with reference to road construction in the cities.

The participation of county government in park development has been marked. At least nine metropolitan or suburban counties enjoy established park systems (Cook County, Ill.; Wayne County, Mich.; Milwaukee County, Wisc.; Essex, Hudson, Union and Camden Counties in New Jersey; and Westchester and Erie Counties in New York). In addition, two metropolitan park systems (Cleveland and Akron) are, in part, county park systems, or at least an outgrowth of them. The number of counties operating park systems has increased from year to year.

Three metropolitan counties (Los Angeles, Wayne, Milwaukee) have embarked upon regional planning and the control of subdivision platting.

At least seven counties (Cuyahoga, Hamilton, Wayne, Milwaukee, Los Angeles, Baltimore, and Westchester) are involved in sewer systems, and three (Cuyahoga, Hamilton, and Baltimore) are attending, in some form or other, to water supply. Because of the consistent refusal of the city to supply them unless they first become annexed to the city, Los Angeles County, under a recent proposal, is to take charge of water supply in suburban and rural territories.

In at least three cases (Cook, Los Angeles and Westchester) the county government is carrying on work in the suburban and rural territories in the field of public health. In two—Los Angeles and Baltimore—the county government has charge of fire protection and in one, Baltimore, police protection.

In nearly all the counties considered, social welfare functions have been expanded to a greater degree than other functions except possibly road construction, although in some counties the increase has been checked by the growing participation of the state in this field. The tendency has been to include the city as well as the outside territory in the county's social welfare service, i. e., to organize this service on a truly county-wide scope.

Though the growth of the county government activities has been substantial, the expansion has been fully metropolitan in scope only as to certain phases and in certain instances. Counties tend to limit their work to the territory lying outside the city, thus merely extending beyond the city limits the work already performed by the city. In rare instances a certain degree of integration between the city and county governments has been brought about, but the accomplishment in this direction has as yet been slight.[27] True integration remains to be attained. Moreover, some counties cover only a part of the metropolitan territory, sometimes indeed only the suburban part. In some counties, such as Baltimore and Westchester, which are purely suburban in character, or Los Angeles County, which contains a large suburban population, an actual county consciousness is developing. In but one instance, however, has this community spirit been strong enough to effect a comprehensive reorganization in the structure of government. Los Angeles County alone has attained a home-rule charter, although a few others have been beneficiaries of some statutory changes. Most attempts to reform county government have failed because of constitutional obstacles and the opposition of political interests.

In the light of the foregoing it can hardly be said that the county has anywhere yet become the agency *par excellence* of metropolitan government. At best it is but one of the agencies charged with responsibility for certain phases of metropolitan growth and comfort.

As at present organized, the county has small legitimate claim to becoming the exclusive agency of metropolitan government. It labors under too many limitations. Its boundaries are arbitrary. When they do not coincide with the limits of the metropolitan area, they cannot be readily adjusted to do so; for in certain respects county boundaries are more difficult to change than those of a city. Moreover, experience has shown how powerfully and successfully our present county government resists change and improvement, and to commit to it, as at present constructed and operated, the heavy responsibilities of a metropolitan government would be to impose upon this ancient structure a burden too heavy to be borne. And finally, the city itself, as an entity, will vigorously push its claim as the logical repository of metropolitan authority. Enlargement of the county's sphere, unless reorganized into a municipality, will not improve any city's rating in the census.

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[27] See discussions of Cook County and Ramsey County above.

This does not mean, however, that the county cannot evolve into a truly metropolitan government. Indeed in some instances the county government may be the most available nucleus around which to build a metropolitan government. The Pittsburgh consolidation proposal and the constitutional amendment recently defeated in the Ohio legislature looked to an expanded county government, but heretofore most schemes of metropolitan consolidation have involved the disappearance of the county. Yet it has displayed great vitality and it may be easier and better to modernize its structure and expand its functions than to abolish it. Certainly this policy will avoid some of the opposition which county attachés always level against proposals for eliminating the county.

Little hope resides in the county, nevertheless, until it is given home-rule power to draft its own charter, or at least power to adopt a modern, simplified form of government. Furthermore, if the county is to play a prominent rôle in the metropolitan drama it will have to assume in the end the powers of a full-fledged municipality at the expense of the smaller units. It may be true, however, that, as was attempted in the ill-fated Pittsburgh proposal, the rehabilitated county may become in certain cases the central unit in a federal metropolitan government, a type which is increasingly popular these days, and which will be treated at length in a later chapter.

CHAPTER XIV

SPECIAL METROPOLITAN AUTHORITIES—THEIR HISTORY AND NATURE

The features which distinguish special metropolitan authorities from other units of government functioning in the metropolitan area may be stated as follows: (1) They are established through legislative act or by constitutional amendment to exercise jurisdiction over some specified function or functions of local government. (2) They exercise this jurisdiction in a territory embracing the entire metropolitan area or a substantial part of it, incorporated or defined by law as a "district." (3) They are supported from funds raised within the "district." (4) They are distinct from federal, state, county, or special authorities having charge of administrative districts or improvement districts which have no special reference to a metropolitan area.[1]

These special metropolitan authorities are set up when the necessity of a single authority to perform a metropolitan service is recognized and when the provision of such service by the other methods is considered impossible or inadvisable. Sometimes, however, the desire to evade existing tax or debt limits prompts the creating of an *ad hoc* authority.

Of the twenty-nine metropolitan areas treated in this report, ten have one or more such metropolitan units of government. New York has five, Boston three, the others one each. Some exercise jurisdiction over the entire metropolitan area, others only over a part. In the first class are the Port of New York Authority, the Chicago Sanitary District Commission, the Massachusetts Metropolitan District Commission, the Cleveland Metropolitan Park Commission, the Niagara Frontier Planning Board, the Port of Seattle and the Port of Portland Commissions. In the other are the North Jersey District Water Supply Commission, the Passaic Valley Sewerage Commission, the Washington Suburban District, and the East Bay Municipal Utilities Commission.

Table X gives the details of these organizations.

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[1] For example, the Miami Conservancy Commission is a special authority of this nature, related to topography and not to metropolitan conditions.

Rochester	None		
Louisville	None		
Portland, Ore.	Portland Port Commission	Ore. L. 1891, p. 791; 1901 p. 417; compiled statutes 1920 v. II p. 2822	improvement of the port channel
Akron, Ohio	Summitt County Metropolitan Park District	Ohio General Code 2976	parks
Denver	None		
Toledo, O.	None		
Columbus, O.	None		
Atlanta, Ga.	None		
In Canada			
Vancouver, B. C.	Vancouver and Districts Joint Sewerage and Drainage Board	B. C. L. 1914 ch. 79; 1915 ch. 64; 1917 ch. 70; 1918 ch. 95; 1917 ch. 87	sewerage
	Greater Vancouver Water District	B. C. L. 1924 ch. 22; 1925 Bill. No. 29	water supply
Winnipeg, Man.	Greater Winnipeg Water District	Man. L. 1913 ch. 22	water supply
Windsor, Ont.	Essex Border Utilities District	Ont. L. 1916; 11 Geo. V. Ontario ch. 99	water supply sewerage, public health, hospital, planning
Montreal	Montreal Metropolitan Commission	11 Geo. V. Quebec, ch. 140	local finance

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[a] By action of the legislatures of New York and New Jersey the bridge and tunnel commissions were consolidated in 1930 with the Port of New York Authority.

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Early Special Metropolitan Authorities

The origin of this type of metropolitan organization in this country cannot be traced with exactness. The earliest instances are found in Philadelphia. This is natural because nowhere else did independent suburban communities develop around a parent city at so early a date. Beginning in 1790 and continuing during the first half of the next century, special authorities were created there for the administration of prisons, poor relief, port development, public health control, police, and education.

By an act passed on April 5, 1790, the management of the prison was vested in inspectors elected by the city and its several suburban districts. On March 29, 1803, an act was passed creating a board of port wardens, appointive by the governor, to have jurisdiction over the port district embracing Philadelphia, Northern Liberties, and Southwark. By an act of March 17, 1806, a board of health was incorporated consisting of five citizens, three from Philadelphia, one from Northern Liberties and one from Southwark, all appointed by the governor. The expenses were met by a county tax and from "head money" paid by immigrants. By an act of January 29, 1818, the membership of the board was increased to eleven and their appointment was vested in the several municipal authorities. By an act of March 3, 1818, the county was constituted into one school district, divided into four sections of which the city was to be one. Each section elected twenty-four school directors; and these elected from among themselves a board of school controllers on the basis of one controller from every six directors. The boards had independent powers of taxation.

The organization of police under a special metropolitan authority came in 1850. In that year an act was passed[2] constituting the city and its suburbs one police district, under a marshall, to be elected by the voters for three years and vested with all the police powers of the mayor. This was done because of the inability of the several independent police departments to function in a concerted way and to suppress the riots which were rampant. The city was divided into four subdistricts. Each suburban community was to constitute a subdistrict. The act was passed as a substitute for a bill proposing the complete merger of the city and its suburbs. It was thought that by establishing a metropolitan police it would be possible to defer consolidation.[3]

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[2] Act of May 30, 1850.

By 1850 there were fully ten special authorities in the Philadelphia district, each organized for some specific function, having independent powers of taxation or other sources of revenue, and exercising powers in its particular sphere, superior to those exercised by the municipalities. These boards were wiped out or were merged in the general city government by the consolidation of 1854.

In 1857 a metropolitan police district was established in New York City which included besides the city itself, Brooklyn, and the counties of Kings, Westchester and Richmond. It was placed under the jurisdiction of a board of five members appointed by the governor with the advice and consent of the senate, three of whom were to be residents of New York City, one of Kings County, and one of either Westchester or Richmond counties; the mayors of New York City and Brooklyn were designated as members ex officio. The governing bodies of each of the two cities and of the counties respectively were empowered to determine their respective quotas of the force. Each was required to bear the cost of the force functioning within its borders according to an apportionment of cost made annually by the board.

The report of the majority of the assembly committee favoring creating the metropolitan police district recognized the area as "to all intents and purposes of policy and business, one large community, becoming every year more compact." It said:

> To a great extent the citizens and taxpayers of New York have summer residences in the counties of Westchester and Richmond and many yearly residents of the latter county transact business in the city of New York. A thief escaping on a Brooklyn ferry from either county cannot be pursued by a peace officer of either county without a warrant, although a felony may have been committed in his presence.

The minority of the committee rested its dissent upon the proposition that the proposed act effected a centralization of power "in contravention of the principles of republican and popular government."

[3] Allison and Penrose, *op. cit.*, p. 106.

In 1865 New York and Brooklyn were constituted a metropolitan fire district under a board of four commissioners appointed by the governor with the advice and consent of the senate. Although the district included both New York and Brooklyn, the board at first functioned in New York alone, since Brooklyn's department was organized on a volunteer basis. It is interesting to note that the commissioners, the mayor and the controller of the city of New York were required to convene annually as "a board of estimate" and estimate the requirements of the department; that such estimate was to be submitted to the board of supervisors of the county of New York for approval, and that the board of estimate was empowered to disregard the objections of the board of supervisors of the county and to order the levy of a tax for the support of the department. The board of estimate so provided for may be regarded as the precursor of the board of estimate and apportionment which later came to play an important rôle in the government of the city.

In 1866 a metropolitan sanitary district was constituted, embracing the territory of the metropolitan police district, and was administered by a board of health. The mayor and the controller of the cities of New York and Brooklyn respectively, together with the members of the board, convened annually as a board of estimate to fix the requirements of the year and to make an apportionment among the cities, towns, and counties on the basis of the proportion of the expense incurred therein, the general overhead being apportioned on the basis of assessed valuations. The necessary tax was levied and collected by the municipalities respectively and paid into the treasury of the state for the use of the board.

The scheme of special metropolitan authorities was regarded with favor in some quarters. The New York Citizens' Association petitioned the constitutional convention of 1868 to continue it. It was, however, obnoxious to the authorities of the cities, and was abolished in 1870, each governmental unit again becoming master of its own police, fire protection, and sanitary services. The condition of independence continued until consolidation was effected almost a generation later.

Special Metropolitan Organizations, 1870-1900

The special metropolitan organizations in Philadelphia and New York City, which have just been discussed, have ceased to exist. But during the second half of the past century, similar districts sprang up in Chicago, Boston, and northern New Jersey. With some modifications these survive to the present day. Those established in Boston influenced similar developments in other metropolitan areas.

In Chicago in 1869, three special metropolitan park authorities were created. One, the South Park Commission, was to operate in South Chicago, Hyde Park, and Lake; another, the West Park Commission, covered the town of West Chicago to which parts of Jefferson and Cicero were added; the third was the Lincoln Park Board. The first two were granted independent powers of taxation. The city had expanded rapidly and was ambitious. The development of parks was being agitated as an aid to the city's growth. By organizing special district authorities for the purpose it became possible to acquire suburban sites without waiting for the expansion of the boundaries of the city. Incidentally, by this means the end sought could be accomplished also without affecting the taxing and borrowing powers of the city which were limited by law. When the boundaries of Chicago were extended in 1889, the areas covered by the park districts were added to the city of Chicago. Nevertheless the districts were continued as special municipal corporations and function to the present day side by side with the city government proper.

In 1889, by a special law, the Chicago Sanitary District was incorporated to include territory outside the city.[4] It was created primarily because the costs of the drainage project were so great that they threatened, if undertaken by the city corporation, to bring it dangerously near the limits of its taxing and borrowing power. There was an obvious advantage in creating a separate municipal corporation with separate taxing and borrowing powers, thus leaving the city corporation's resources unimpaired.

Metropolitan Sewerage Commission for Boston

In the year in which the Chicago Sanitary District was es-

[4] The act, however, was put in general terms.

tablished, a metropolitan sewerage commission was set up in Boston. The idea of establishing such an authority had apparently been advanced first in Boston where it was discussed in the early seventies of the last century.

As pointed out elsewhere herein, the pollution of Charles River and its tributaries began to cause discomfort to the people of Boston and its suburbs as early as the late forties. The situation, which grew worse in time, was responsible in a measure for the annexations of 1868-74. Enlarged by these annexations, the city devised a remedy which relieved the situation in part. By building an intercepting sewer the pollution of the river from the large territory under the city's juridiction was abated. Nevertheless, the northern territory and the several independent communities in the southern sector continued to pollute the river. Had the city authorities succeeded in 1874 in carrying out the plans of consolidation recommended that year by the commission appointed to study the question and had all the territory immediately adjoining the river both to the south and north been annexed, the city would have been in position to effect a complete cure. But the scheme of comprehensive consolidation or annexation having been shelved, and efforts to secure the coöperation of the individual municipalities having failed, there remained but one means of bringing the situation under control, viz., the creation by the legislature of a special metropolitan authority with full power to act.

The idea of establishing some special metropolitan authorities was first advanced by an official body in 1873 when the minority of the Boston Consolidation Commission, referred to above, gave it prominent place in its dissenting report as an alternative to the annexation plans of the majority. After outlining the form of government of the city of London and describing particularly the organization of the London Metropolitan Police District in 1829 and of the Metropolitan Board of Works established in 1855, the minority proceeded as follows.[5]

> Perhaps the metropolitan form of government might, in some particulars, be adopted to advantage in and about Boston. For the territory between the Charles, Neponset and the Mother Brook

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[5] Boston, *City Documents, 1873.* No. 105. Minority Report by Hamilton A. Nilles.

> an absolute municipal unity seems desirable. It might be well to establish a metropolitan board of public works to superintend and regulate all matters pertaining to drainage and sewerage in Boston and the suburbs and especially for the protection of Charles River, or, these duties might be performed by a superintendent under the direction of the state board of health . . . . It is worthy of consideration further whether the powers and duties of the board of health recently organized for the city cannot be advantageously extended so that a metropolitan scope may be imparted to it instead of the strictly municipal sphere of action to which the board is now restricted.

The idea that the constructive objects sought by annexation could be accomplished by creating special metropolitan authorities or districts occasionally reappears in the arguments of the opponents of annexations. The pioneers in sanitary engineering in this country who conducted investigations in Boston and Chicago were familiar not only with the technical features of the London sewer system but also with the administrative organization in charge of it and were influenced to some extent by this example. They favored this method of organization as one which would meet with the least objection in the legislature, indeed as the only one, perhaps, which the legislature was likely to approve.

The idea took definite form in the report of the Metropolitan Drainage Commissioners of 1881.[6] It was further elaborated and perfected by the Metropolitan Drainage Commission of 1884. Neither the great southern interceptor built by Boston which was to be enlarged nor the proposed great northern interceptor was "of a local or municipal character," declared the commission in the introduction to its engineering report.[7] "They partake of the nature of great arterial channels for the benefit of wide metropolitan districts."

The legislature was not yet ready to approve this proposal, especially since the towns were lukewarm towards it.[8] Finally the state board of health was ordered to make another investigation. Its report was accepted by the legislature and the bill which it drafted was enacted into law.[9] Thus after years of agitation and investigation, this new form of metropolitan organization was finally established in the district.

[6] Massachusetts, *State Legislative Documents, 1882.* No. 4.

[7] Massachusetts Drainage Commission, *Report 1886.*

[8] Massachusetts *House Documents,* 1882, No. 364.

[9] P. L. 1889, Ch. 435.

Metropolitan Park Authority in Boston

Next a law was enacted establishing a similar authority for the purpose of developing a metropolitan park system. This enactment was an outgrowth of a park movement which began in the fifties but which, until the close of the eighties, was confined to the limits of the city, or at least to the territory south of Charles River. The annexations of 1874, which brought into the city fold several suburban territories south of the river containing excellent park sites, made the realization of a large municipal park system possible. The results were so encouraging as to stimulate the leaders of the park movement to an endeavor to bring about a similar park development in the territory north of the river and also in the remaining suburban districts to the south. Accordingly, they secured the passage of an act in 1892, appointing a commission to investigate the question.[10] The commission recommended the same expedient for park administration as had been adopted for metropolitan sewers. While favoring theoretically the consolidation of the entire district into one political unit for the performance of various municipal functions, it felt that such a consolidation was not likely to be effected in the near future and was unwilling to postpone its plans until it could be brought about.

A precedent having been established, no particular difficulty was experienced in securing a law to provide a similar authority for the execution of a project which had won universal endorsement.[11] Thus after less than two years of agitation a second metropolitan district arose in the Boston area.

Metropolitan Water Supply Authority in Boston

Two years later a third special district for the development of water supply was created in the Boston region. The causes were in some respects similar to those which were responsible for the sewer authority. The gradual pollution of the nearby sources of water which continued throughout the second part of the past century compelled the city and some of the surrounding municipalities to abandon them and look elsewhere. Boston was in process of developing a large water supply outside its limits in areas not yet densely populated. As a result of the annexations of 1868-74, a very substantial portion of the metropolitan territory was served by one unified water system. In the remainder of the territory, however, chaos continued to reign, the various municipalities trying to seize the few remaining unpolluted sources to develop them for their individual benefit. Frequent applications were made to the legislature for authority to do so and in time that body found itself unable longer to tolerate the annual contests over water bills. A remedy was offered in 1886 in the form of a law imposing on the state board of health the duty of adjusting these contentions. By its terms every municipality was required to submit to the board the plans of any water works it was contemplating and generally to consult with it in water supply matters. Conditions were ripe for a proposal to develop a new water supply for the entire metropolitan district.

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[10] *Massachusetts P. L., 1882.* Ch. 342.

[11] *Massachusetts P. L., 1893.* Ch. 407.

The legislature in 1893 empowered the state board of health to investigate the advisability of such a metropolitan system. Two years later the board recommended substantially the same scheme of administration which had been adopted, largely on its recommendations, with respect to sewers and metropolitan parks. The attitude of the various municipalities towards the bill embodying the board's recommendations differed widely. Boston was willing to come under the scheme and surrender to the new organization the great water works which it had already constructed. The municipalities badly in need of water were eager to come in. Others, whose plight was not so pressing, hesitated or bargained for special concessions. Still others, in a relatively good position, opposed the scheme. But the severe drought and water famine of 1893, and the fear of its repetition brought agreement and the bill was passed.

Thus in the course of six years three special metropolitan districts were created in the Boston territory.

Passaic Valley Sewerage Commission

The next significant development in this form of metropolitan organization was the enacting in New Jersey of a statute establishing the Passaic Valley Sewerage Commission. The great development of industries in the seventies and eighties in Paterson, Passaic, Newark and other minor places along the Passaic River caused the serious pollution of the stream. Newark which drew its water from the river below the other industrial cities was insistent in demanding relief. Agitation for some form of action began in the late eighties but did not come to a head until ten or fifteen years later, when the Boston and Chicago precedents prompted a resort to the same method. The act originally passed was declared unconstitutional,[12] on grounds discussed below. Another act was consequently passed, in 1907. Special care was taken in drafting this act to obviate all constitutional objections.

Portland Port Commission

One other organization of this type may be added to the list of metropolitan districts established during the epoch, though it applied to a territory which at that time had not yet matured into metropolitan proportions—the Portland (Oregon) Port Commission created in 1894. The history of this organization which is still in active existence, is briefly as follows: In the eighties the city was rapidly expanding, having become a terminal of the new transcontinental railroads, and was anxious to develop into a port accessible to large seagoing vessels. As the federal government did not deepen the river channel fast enough to suit it, the city acquired a derrick and other equipment and set to work. It was handicapped, however, in that it had no jurisdiction over the channel outside its political limits. To confer such jurisdiction a statute was enacted in 1891 incorporating a special district. An agreement was made with the federal authorities by which the latter took care of the work in the Columbia River section of the waterway and the Portland Port District continued its activities in the Willamette River section.

Activity since 1900

During the first decade and a half of the present century few new special metropolitan authorities were created. In Boston, a commission was formed to improve the basin of the Charles River and to construct the magnificent esplanade on both sides of the river. With the completion of this work, the commission went out

[12] *Van Cleve* v. *Passaic Valley Sewerage Commissioners,* 71 N. J. L. 475.

of existence and the task of maintaining this improvement was turned over to the Metropolitan Park Commission. In the metropolitan region of New York, the Palisades Interstate Park Commissions and the first interstate bridge and tunnel commissions were brought into being during this period.

Palisades Interstate Park Commissions[13]

The Palisades Interstate Park Commissions of New York and New Jersey were established in 1900. In the early nineties civic leaders in New Jersey and New York, concerned over the demolishing of the Palisades by quarrymen, began a movement to preserve their scenic and historic values. An effort to have the national government take over the Palisades for military purposes having failed, a plan was conceived by which the two states would acquire the cliffs and develop an interstate park. Legislation creating a permanent interstate park commission was enacted in New York in 1900. A similar measure met opposition in New Jersey but was finally enacted into law.

The two acts were substantially identical in terms. Both provided for the appointment "by the governor of this state by and with the consent of the senate, of ten commissioners, five of whom shall be citizens and residents of the state" to serve for a term of five years each, without compensation, to be known as the commissioners of the Palisades Interstate Park of the State of New York and New Jersey respectively.

Nominally, two commissions were created operating under the authority of its own state. In reality, however, the two commissions were so interlocked as to constitute one body, for the governor of each state appointed only five residents of the state, his other five appointments being the appointees of the governor of the other state. The two commissions employ the same staff and use the same offices. They, however, make separate annual reports to their respective legislatures, are granted separate appropriations, and maintain separate accounts. No treaty has been executed between the two states for the prosecution of the work of the commissions.

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[13] This account is based on the annual reports of the New York and New Jersey Palisades Interstate Park Commissions. The first report containing the information on the origin of the Commission was issued in 1900.

Among the original commissioners were such outstanding figures as Abram S. Hewitt and George W. Perkins. The membership has been very stable; two of the original commissioners were still serving at the end of the twenty-fifth year of its existence. The average tenure of the commissioners who served during that period was slightly over eleven years. During the first ten years of their existence the commissions acquired the cliffs and shore front of the Palisades. They then proceeded to extend the park into New York state and develop both its New York and New Jersey sections. In their twenty-sixth annual report the two commissions summarized their operation during the past twenty-five years as follows:

> The uniform harmony that has prevailed among the commissioners and in the whole park organization has made for a unique singleness of purpose in the commission's work. Confidence and support of private contributors have been accorded to the commissions in no small measure and have constituted a most important element in the upbuilding and extension of the park, and especially in providing for public enjoyment facilities for which state funds were not available.

By December, 1925, the commissions had received from private sources in cash and in the value of lands donated, $7,964,447 and from the two states in cash and value of lands transferred, $9,815,300. Each state has been contributing to the costs of acquisition, construction, and maintenance of park properties situated within its jurisdiction.

New York and New Jersey Bridge and Tunnel Commission[14]

The history of the two tunnel commissions which built jointly the Holland tunnel between New York City and Jersey City under the Hudson River is instructive. They are known as the New York State Bridge and Tunnel Commission and the New Jersey Interstate Bridge and Tunnel Commission.

These commissions had their inception in a statute enacted in New York in 1906 creating a commission "to confer with the governor and the legislature of the state of New Jersey for the purpose of developing a system of transit between the city of New York and the state of New Jersey" and in a resolution passed in the same year by the New Jersey legislature appointing three commissioners to confer with the governor and the legislature of the state of New York "for the purpose of securing the passage of an act by the legislature of that state to provide for the appointment of a joint commission for the construction of one or more bridges over the Hudson River to the county of New York at the joint expense of the two states." The commissioners reported to the legislatures of their respective states recommending the construction of a bridge by public authority, the expenses to be met in equal proportions by the states of New York and New Jersey. The report referred to the failure of the private companies which had obtained a franchise to build a bridge over the Hudson River as evidence of the impracticability of building the bridge without the assistance of public funds.

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[14] This account is based on the information in the annual reports of the New York Interstate Bridge Commission, 1907-1918; and the annual reports of the New York State Bridge and Tunnel Commission, 1919-1926.

It was not until 1908, two years later, that New Jersey appointed a commission to negotiate with the New York commission regarding actual construction. In 1909 New York appropriated $25,000 "to secure definite information concerning rock formation, etc.," provided New Jersey appropriated a like sum. New Jersey, however, failed to do so and merely authorized the board of freeholders of any interested county to appropriate not more than $10,000 for the use of the New Jersey commission. The failure of the New Jersey legislature to make the requested appropriation was due seemingly to the opposition of South Jersey legislators to a project primarily benefiting the northern section of the state. Representation in the senate of New Jersey is by counties, each county being represented by one senator; and the counties of South Jersey, though less populated than the North Jersey counties, control almost half of membership of the body. The New York commission, under the circumstances, refrained from expending any of the money granted to it. Finally in 1910 the New Jersey commission secured the needed funds. Borings were then made.

In 1911 the life of the New Jersey commission expired. An act passed to continue the commission was vetoed by Governor Wilson. So another year was lost.

In 1912 the New Jersey legislature passed a resolution creating a new commission. After many joint sessions, the two commissions in 1914 reported in favor of a tunnel to be constructed from Canal Street, New York, to Jersey City, to be followed by the construction of a bridge.

At a time when there seemed to be unanimity of opinion between the two commissions as to what should be done, their work was thrown completely out of gear by the passage of a law in New Jersey, originating in the South Jersey opposition, which abolished the commission. Because of the cumbersome mode of procedure presented for establishing a new commission, New Jersey was not ready to act until 1917.

Meanwhile the franchises which had been granted years before to private companies to build bridges over the Hudson River lapsed through non-use, thereby removing an obstacle to a public bridge or tunnel. Furthermore a Delaware River Bridge Commission had been established to build a bridge between Philadelphia and Camden, whereupon South Jersey withdrew its opposition to the North Jersey bridge and insisted upon the financing of both bridges by the state.

Matters now began to move rapidly. Acts passed in 1918 and 1919 authorized the commissions to enter into agreement with the authorities of New York state and Philadelphia or Pennsylvania to construct the interstate facilities mentioned between North Jersey and New York and between South Jersey and Philadelphia; provided for a referendum authorizing bond issues for these purposes (which later carried); levied a special bridge and tunnel tax throughout the state for interest and sinking fund charges on such bonds; and authorized the charging of tolls from which the debt charges on the bonds should be paid. The two commissions of New Jersey were reorganized under these statutes so that they became in fact "state commissions" financed by state appropriations and through state bonds.

By this time it had been determined to construct a tunnel instead of a bridge between New York and Jersey City, to be exclusively for vehicular use.

The commissions, now provided with an appropriation of $1,000,000, organized a joint engineering staff and began the task of preparing an interstate contract. The contract was approved by the New York commission in May, 1919, and then submitted to the New Jersey commission which approved it with some modifications in September of that year. It was signed by the two commissions on December 30, 1919, the attorney general of the state of New York certifying that in his opinion the New Jersey commission had the power to make such an agreement. A resolution was introduced and passed in Congress, and approved by the president on July 1, 1919, granting the consent of Congress to the making of the contract between the two states.

Under the terms of the contract each commission was to proceed forthwith to acquire title to the necessary land. Each commission's action had to be concurred in by the other and in each case there had to be a majority vote of the commission in favor of the action. If either state defaulted, the other could go on with the work and collect all tolls and reimburse itself with interest for the extra expenditures it had to undertake. Additional remedies at law and in equity were available against the defaulting state. The cases in which the state was to be considered in default were enumerated. Compensation of employees was to be fixed by the two commissions, each commission concurring in the action of the other. No change in the scheme of tolls was to be made unless concurred in by both commissions. Should either state by statute substitute any other agency to construct and operate the tunnel such agency was to acquire the rights and was to be bound by all of the obligations of the commission to which it succeeded. The contract could be amended from time to time by a written instrument executed in the same manner. The status of the two commissions as agents of the two states was definitely maintained in the contract.

The tunnel, known as the Holland tunnel, was opened in 1927—exactly twenty-one years after the first legislation was passed. In 1930 by legislative action of both states the bridge and tunnel commissions were abolished and their functions transferred to the Port of New York Authority, which will hereafter administer the Holland tunnel.

Recent Special Districts

Since the beginning of the World War, the development in this direction has been considerable. The growing tendency towards greater coördination of effort and the substitution of coöperation for competition in every field of public and private activity has not left local government unaffected.

Among the special metropolitan authorities or districts created since 1915 are the following:[15]

Cleveland Metropolitan Park Commission	1915
North Jersey District Water Supply Commission	1916
Essex Border Utilities District (Canadian section of Detroit Area)	1916
Sanitary District of Indianapolis	1917
Washington Suburban District	1918
New York and New Jersey Bridge and Tunnel Commission	1918-1919
Port Authority of New York	1921
East Bay Municipal Utilities District (Oakland, etc.)	1921
Montreal Metropolitan District	1922
Metropolitan Planning Division (Boston, etc.)	1923
Albany Port District	1925
Niagara Frontier Planning Board (Buffalo and vicinity)	1925
South Jersey Port Commission	1926
Massachusetts Metropolitan Transit District	1929

It is impossible to review in detail the circumstances which have surrounded the establishment of these authorities. The Metropolitan Park Commission of Cleveland was established originally as a county park board. When the act under which it operated was declared unconstitutional in 1915, it was transformed into a separate governmental corporation not necessarily coterminous with the county.

The North Jersey District Water Supply Commission was created as a result of a prolonged contest between Newark and Paterson for the exclusive privilege of developing the Wanaque watershed and because of the failure of a scheme to procure water supplies for the various regions under the direct auspices of the state government. This failure was due to a court decision prohibiting the state water supply commission, organized by the state for the purpose, to issue bonds without a state-wide referendum.

The Essex Border Utilities District (Ontario) was organized in expectation of a considerable industrial growth in the territory surrounding Windsor. The United States Steel Corporation had acquired large tracts of land there and was contemplating the erection of a large plant.[16] The necessity of organizing public services on a plan embracing the entire district became obvious. The small municipalities were opposed to the complete amalgamation for which Windsor had agitated for years, but were willing to accept the plan of district organization as a lesser evil.[17]

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[15] Other metropolitan authorities formed prior to 1915 included; Seattle Port District, 1911; Greater Winnipeg Water District and Greater Vancouver Sewerage District in Canada in 1913.

[16] Later the realization of this plan was abandoned at least temporarily.

The Indianapolis Sanitary District was created as a separate governmental corporation; first, it is said, in order to make possible the financing of the contemplated works outside the city's debt limit; secondly, because the legislature desired to take these works out of the hands of the municipal government which was under the control of another party than that which dominated the legislature; and, thirdly, because its establishment was apparently the only way in which a small village, located within the boundaries of the city and steadfastly resisting annexation, could be included in the proposed system. As the outside boundaries of the district coincide with the city limits, the district does not present the typical aspect of a metropolitan district.

The Washington Suburban District was created as a result of the realization in the Maryland suburbs that it was not fair for the several suburbs to dump sewage on each other and because of the efforts of the health department of that state to devise some remedy for the situation. A commission of three men, appointed by the governor, after a study of the several precedents in metropolitan organization (particularly those about Boston, the Passaic Valley Sewerage District, and the Essex Border Utilities District) and acting jointly with the chief engineer of the state department of health, drafted a bill combining what they considered the best precedents with some innovations of their own. The measure was then enacted without difficulty.

The Port of New York Authority

The history of the establishment of the Port of New York Authority deserves somewhat more extended mention, inasmuch as it represents the first instance of the creation of a metropolitan authority with jurisdiction in two states. Curiously enough, its establishment was brought about through litigation between the public authorities of New York and New Jersey which aroused considerable animosity between the people of these states.[18] New Jersey believed that the development of its side of the port was retarded by the fact that the same schedule of freight rates applied to the entire port district. Since no lighterage was necessary on the New Jersey side, it contended for lower rates as against New York City and, to that end, instituted proceedings before the Interstate Commerce Commission. Supporting this action were certain municipalities and commercial interests of the New Jersey waterfront. The commercial interests of New York were, of course, united in their opposition, the Chamber of Commerce of the State of New York alleging that the proceeding was "initiated for the purpose of shifting the basic center of the commerce of the Port of New York and thus artificially to stimulate the transfer of commercial and industrial advantages to the State of New Jersey, but to the great disadvantage of the State of New York."[19]

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[17] Morris Knowles, in his admirable report, *The Metropolitan District Idea,* submitted to the Essex Border Utilities Commission, March 20, 1917, says:

"The decision of the Canadian Steel Corporation to build an industrial town at Ojibway, opposite Detroit, brought to the attention of public-spirited citizens of the adjacent communities the necessity of a comprehensive plan, i. e., that the whole community could best take care of large increases in population to result from such development and that of other industries. From such consideration, legislation by the Provincial Parliament of Ontario was secured, authorizing the formation of the Essex Border Utilities Commission, having jurisdiction over water supply and sewerage."

The decision of the Interstate Commerce Commission (New York Harbor Case, No. 8994) denied New Jersey's application. The commission accepted New York's view that the port is an economic unit to be treated as such, and that a uniform rate was necessarily incident to the maintenance of that unity. It declared also that the division of the port between two jurisdictions was an obstacle to its coördinated development.[20]

> While the New York Harbor case was pending, it resulted in great discussion of the problem of port organization . . . . . Fortunately, the case had an educational influence upon all of the

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[18] New York and New Jersey Harbor Development Commissioners. *Report, 1920,* p. 59.

[19] Quoted from the *Report of New York and New Jersey Harbor Development Commissioners* for 1920, p. 52.

[20] The Interstate Commerce Commission said: "There is merit in the contention of New York interveners that the metropolitan district should be regarded as a unit, and that lower rates to and from Northern New Jersey would subject New York to prejudice," and that it could not "overlook the fact that historically, geographically, and commercially New York and the industrial district in the northern part of the State of New Jersey constitute a single community." Quoted by New York and New Jersey Harbor Development Commissioners. *Report, 1920,* p. 52.

> participants as well as upon those concerned with the future development of the Metropolitan District, and even while the case was pending, there gradually emerged the conception that whatever New Jersey might gain through success in the litigation, it could gain more through cooperation with New York, and that, on the other hand, New York could not afford to ignore the fact that it had heretofore regarded that portion of the port within state lines as being the entire port.[21]

Legislation, establishing a joint commission to investigate development of the port, was passed by both legislatures in 1917.[22] In 1920 the commission outlined a comprehensive plan of development of the port and submitted the draft of a compact between the two states establishing an independent corporate body to bring about the realization of the plan. Enabling acts were passed by the legislatures of the two states at their 1921 session and the compact was signed "amid appropriate ceremonies" in the great hall of the Chamber of Commerce of the State of New York on April 3, 1921. A resolution approving the compact was passed by congress and signed by the president on August 23 of the same year.

Recent Developments in the Boston Area

In 1910 the Sewerage and Water Supply Commissions of the Boston area were merged; and in 1919 the Park Commission was consolidated with the others. The name of the merged bodies is the Massachusetts Metropolitan District Commission, fully described in the next chapter. The Division of Metropolitan Planning of the Massachusetts Metropolitan District, established in 1923 under a commission of seven members one of whom is a representative of the district commission, is a separate entity although nominally a part of the metropolitan district administration.

The Metropolitan Transit District, which was established in 1929 as a development of the system of transit control by the Board of Elevated Railway Trustees, is also a separate body. Since 1918, elevated and street railway transportation in the Boston metropolitan region has been subject to a system of metropolitan control very much akin to that maintained in the region for the administration of the water supply, sewerage, park, and planning matters.

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[21] *Ibid.*, p. 57.

[22] *New York L., 1917,* ch. 426; *New Jersey L., 1917*, ch. 130.

The arrangement grew out of the financial difficulties in which the Boston Elevated Company, like many other street railway or subway companies after the war, found itself, being limited by contract to a five-cent fare. The act of 1918 was designed for immediate relief and permitted the company to increase the fares to any amount necessary to meet expenses and pay a return of 6 per cent to the stockholders. At the same time it transferred control of the company's affairs to a board of five trustees to be appointed by the governor to serve as the directors of the company. The ownership of the properties was not disturbed. This plan was to be maintained for ten years with the proviso that it would continue after that period until such time as the legislature should take further action. To provide for capital outlays, the state purchased the Cambridge subway for $8,000,000, and then leased it back to the company. The rentals were fixed at a rate sufficient to reimburse the state for interest and sinking fund charges. The state was able to issue bonds for this purchase at a lower rate of interest than the company could obtain.

The act of 1918 offered temporary relief but did not settle the future of the Boston Elevated Railway Company. As the ten-year term fixed in the 1918 act was drawing to a close, the question had to be decided as to whether to continue public control, or return the road to private management or take it over under public ownership. A heated discussion developed and a number of reports by legislative committees were prepared, but no agreement could be reached, except on one point—that whichever of the three solutions was adopted, some form of metropolitan transit organization had to be provided. A proposal was made that this function be added to the duties of the Metropolitan District Commission, but this was unacceptable to the Boston municipal authorities and was replete with complications. It was felt that the matter could be better handled if it were entrusted to a special metropolitan authority built on somewhat different lines. Accordingly, an act "Relative to Transportation Facilities in the Metropolitan District" was passed in 1929.[23]

The new act expanded the original law and definitely provided for a metropolitan transit authority possessed of substan-

[23] Ch. 383, *Acts of 1929.*

tial powers. It set up a scheme of organization which smacks much less of state control than does the Metropolitan District Commission.

Under this act a Metropolitan Transit District, embracing fourteen municipalities served by the Elevated, is created. The district and its inhabitants are constituted a body politic and corporate and a municipality under that name. Thus they are given a status which the other commission lacks. A board of five trustees is provided for the government of the district. Four of these are to be appointed by the governor and one by the mayor of Boston. The former are to have a term of four years and the latter a term of two; and they are to serve without compensation. This board is supplemented by a metropolitan transit council composed of the executive heads of the municipalities comprising the district and acting partly as an advisory body to the former and partly as a lower representative assembly of the district. Each member of the council has one vote for each one hundred million dollars of assessed valuation of his municipality. All action of the council must be by a two-thirds vote of its total number of votes.

The trustees are to consider and investigate matters pertaining to the construction of additional transit facilities and their financing. Their recommendations go to the transit council which, after approving them, submits them to the legislature for final action. They can borrow money against the credit of the district by issuing bonds; they can levy a district tax and special charges on municipalities specially served, the collection of taxes being placed in the hands of the state treasurer who turns the money over to the district.

It is intended that the district shall ultimately administer and extend the transit properties now owned by the state and the city of Boston, such as the Cambridge subway and the various other subways and tunnels now leased by them to the Boston Elevated Railway Company. The properties are to be transferred whenever the mayor and council of Boston approve of the transfer. Upon such transfer, the district is (1) to assume the obligations of the state and city on account of such properties, (2) to become entitled to all revenues from the leases of such properties and (3) to take over the Boston Transit Department which is now engaged in the construction of transit facilities and turn it into a Metropolitan Transit Department, functioning for the benefit of the entire district. This department is to be administered by a commissioner appointed by the governor and two associate commissioners, one of whom is to be appointed by the trustees and one by the mayor of the city of Boston. Each commissioner is to have a term of five years. The transit department is to prepare under the direction of the trustees all plans of construction, and execute them after they have been approved by the trustees.

In November, 1930, the voters of the district are to decide by referendum, whether the elevated road is to be returned to the company for private management, or is to be continued under public management in accordance with such terms as may be agreed to by the stockholders, or whether it is to be purchased by the district and operated by it.

Some Generalizations

It is not necessary to pursue any further this review of the circumstances which led to the establishment of special metropolitan authorities and the procedure which was followed therein. The facts so far brought out are sufficient basis for some general conclusions, which may be summarized as follows:

1. In almost every instance the creation of a special metropolitan authority has come about as the result of some specific problem of the metropolitan area which had become especially acute and which had attracted the attention of the civic leaders and legislators. Such *ad hoc* districts have quite generally sprung from consideration of a particular metropolitan problem.

2. Several such authorities were created on the recommendation of a special state commission appointed to study the problem or of some department of the state specially concerned with the matter. A few were created without such preliminary official investigation, simply on the strength of the recommendations of private civic associations or leaders interested in the solution of the particular problem. Few can be said to have been created on the initiative of the municipal authorities themselves, although

the North Jersey District Water Supply Commission created at the request of the city authorities of Newark is an outstanding instance of this nature.

3. In a number of instances the special commission or state department concerned developed a definite plan for the solution of the problem and recommended the creation of the special authorities restricted to carrying out the details of the plan already outlined, the approval of which by the legislature was already more or less assured. The establishment of the authority was considered, in other words, merely a means of accomplishing a prearranged project.

4. The authority was created in every instance under an act of the legislature.[24]

5. Partly for the reasons stated above and partly for other reasons, these authorities were established without much public discussion or controversy. The proposals to establish them have rarely been vigorously assailed. In only one instance—that of the Boston Metropolitan Sewerage Commission—was there opposition worth mentioning, and that was directed against the proposed enterprise rather than against the particular machinery proposed to be employed in execution. The authorities of the central city may not have enthusiastically welcomed a new authority over them, but they have usually been quick to realize the advantages of an arrangement which did not embarrass their taxing and borrowing powers. The governing bodies of the minor municipalities on the other hand have had no particular reason to oppose the creation of an authority which was not intended to abrogate their independence, but which on the contrary would strengthen it by taking care of problems which might otherwise have led to annexation.[25]

Mandatory or Permissive Acts; General or Special

Most of the special metropolitan authorities or districts listed in the present study have been established under mandatory acts, without local referendum or other local action. The Chicago

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[24] These acts are discussed in the remainder of this chapter.

[25] It is not always, however, that the local authorities assume the attitude described. A few years ago, Mayor Magee of Pittsburgh wanted a bill passed making possible the establishment of metropolitan districts, but the League of Boroughs and Townships of Allegheny County defeated the proposal.

Sanitary District, the Cleveland Metropolitan Park Commission, the North Jersey District Water Supply Commission, and the East Bay Municipal Utility District, which were set up under permissive acts although the procedure prescribed was different in each case, are instances of exceptions to the general rule.

The act for the establishment of the North Jersey Water Supply District prescribed a simple procedure. It defined the district by listing the counties that were to be included in it, and in that way eliminated one of the possible points of contention.[26] The district was to begin to function whenever any municipality located in the district petitioned the governor to appoint a commission to take charge of the district, and it was made mandatory upon the governor to appoint the commission under such conditions. Thus one municipality could secure the creation of the authority, even though all the rest of the municipalities opposed it.

Under the other permissive laws both the organization of a district and the determination of its boundaries were left entirely to the discretion of the local residents, subject sometimes, however, to a final decision by the county court or other authority. Thus the law under which the Chicago Sanitary District was organized[27] provided that 5,000 legal residents of any area containing two or more municipalities lying in one county and needing a common outlet for sewage might petition the county court to have the question of the incorporation of such an area into a district submitted to the voters of that area and that the court should then fix the boundaries of the proposed district and arrange for the holding of a referendum in it on the question of its incorporation. The vote was to be counted for the district as a whole and the result of the referendum was to determine the question.

The act under which Cleveland's and Akron's metropolitan park commissions and districts were created provides that any area including all or part of a county may be incorporated if, in the first place, a majority of the voters of that area (as determined by the number of voters who voted in the last election) petition the probate court for its incorporation or if the governing body of any city, village or township in that area passes a resolution favoring its incorporation and, secondly, if the probate court, after a proper hearing, approves the proposition.[28] The boundary lines are in no case to divide any existing political unit.

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[26] The district was later enlarged by the addition of a few more counties to it. New Jersey *P. L., 1919,* p. 62.

[27] *Illinois Laws of 1889,* May 29.

The law under which the East Bay area (Oakland, California and vicinity) was incorporated[29] made the establishment of a municipal utility district contingent first upon a referendum within the proposed district. Such a referendum might be initiated by a petition of 10 per cent of the number of voters who voted at the preceding election, or by the passage of a favorable resolution by the governing bodies of a majority of the municipalities in the proposed district. The votes are to be counted, however, separately for each municipality and unincorporated area and only such of the municipalities or unincorporated areas were to be included in the district as had voted favorably. Furthermore, the district was to be established only if the number of voters in the approving municipalities and territories equalled at least two-thirds of the number of voters within the district as originally proposed.

Some authorities or districts have been established by special legislation applicable only to the particular territory mentioned. Such were the acts authorizing the metropolitan authorities for the Boston area, the sewerage authority for the Passaic Valley and the water authority for North Jersey, the port authorities of New York, South Jersey, and Portland, and the Washington suburban district.

About an equal number have been so framed that any area satisfying the prescribed conditions could incorporate under them. Among these may be mentioned the acts under which the Chicago Sanitary District, the East Bay Municipal Utility District, the two park commissions of the Cleveland and Akron area, and the minor sewerage districts in New Jersey were organized.

In view of the increasing interest in this form of metropolitan organization and the growing number of communities of metropolitan character, it is not unlikely that there will be an increasing tendency toward the adoption of general statutes.

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[28] *Ohio Gen. Code Sec.* 2976-4.

[29] *California Laws,* Act of May 23, 1921.

Incorporated or Unincorporated

Most of these special authorities or districts were given a corporate status by the laws under which they were established. At least one, The Massachusetts Metropolitan Transit District Act, refers to the district as an "incorporated municipality." Some have been defined by these laws as bodies "politic and corporate";[30] some as simply "bodies corporate" or "corporations," their public or political character being implied.[31]

Some of them have been held by the courts to be *municipal* corporations; others, corporations not municipal in nature. Thus, under the decisions of the Illinois courts,[32] the Sanitary District of Chicago is a municipal corporation; the board of trustees are its corporate authorities for the proper management and conduct of the business of such corporation and for the carrying into effect the objects for which it is formed.[33] On the other hand, the courts of New Jersey have held that the Passaic Valley Sewerage District is not a municipal corporation or a "political district," in that it is governed by a board appointed by the governor instead of a locally elective board and does not possess the power of local self-government which, in the opinion of the court, is fundamental to a political district.[34]

A few of the metropolitan authorities or districts have been given no corporate status whatsoever. Among these are the Massachusetts Metropolitan District Commission and the Niagara Frontier Planning Board.

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[30] For example, port authorities of New York and South Jersey, metropolitan park authorities of Cleveland and Akron, the Greater Winnipeg Water District, the Essex Border Utilities District and the Metropolitan Transit District in the Boston area.

[31] For example, the Chicago Sanitary District, the Passaic Valley Sewerage District, the North Jersey District Water Supply Commission, the East Bay Municipal Utilities District, the Washington Suburban District, the two utility districts in Vancouver.

[32] *James Reddick et al v. The People* 82 Ill. App. 85; affirmed by supreme court in *The People* v. *James Reddick,* 181 Ill. 334.

[33] Laws of and in reference to the Sanitary District of Chicago with annotations and references issued by the Sanitary District of Chicago; September, 1926, p. 10.

[34] For a recent review of the decision (*Van Cleve* v. *Passaic Valley Sewerage Commissioners* 71 N. J. Law 574) see *Report of the North Jersey Transit Commission 1927,* Opinion of Spaulding Fraser, counsel.

Activities

A classification of the existing special metropolitan authorities or districts reveals that most of them are utility districts. The majority are concerned with the construction and operation of water supply and sewerage systems. At least five are engaged in port development; at least four in the development of parks and three in planning; two or three are concerned with the construction of interstate or intermunicipal bridges or tunnels or with the maintenance thereof; one, in addition to having some of the functions first mentioned, has also jurisdiction over public health and maintains a public hospital; and one merely has charge of local finance. The two authorities last referred to operate in urban areas in Canada. The Palisades Interstate Park Commissions have jurisdiction over an interstate park. One—the Massachusetts Metropolitan District—exercises jurisdiction over great arterial parkways; and one—the Massachusetts Metropolitan Transit District—over passenger transit.[35] None now exercises control over police except that some, as for example the Massachusetts Metropolitan District, maintain police forces incidental to the management of their properties. None has control over fire protection or schools.

Most of these authorities or districts perform only one of the several functions listed. There are five among them, however, that perform two or more functions—the Massachusetts Metropolitan Commission, the Washington Suburban District, the Baltimore County Metropolitan District, the Essex Border Utilities District and, in a way, the New York Port Authority. In addition to its nominal duties and powers, the latter has the task of building and maintaining several bridges serving transportation purposes other than those arising out of port needs. Since 1930 the Port Authority also administers the Holland tunnel, and will probably have charge of the construction and operation of any future interstate tunnels.

The Massachusetts Metropolitan Commission has charge of water supply, sewerage and parks. A second board operating in the same district is vested with the function of planning. This latter body has a name—Metropolitan Planning Division of the Massachusetts Metropolitan District Commission—that is somewhat misleading. It is only nominally a part of the Metropolitan District Commission and, in reality is independent of it.[36] This situation is accounted for by the fact that the number of departments of the state is definitely limited by the constitution of Massachusetts and consequently this new organization had to be created nominally, at least, as a part of some existing department.

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[35] The North Jersey Transit Commission, which is a board appointed and financed by the state and having no powers other than to study the problem and recommend to the state a plan, can scarcely be considered a special metropolitan authority.

The Washington Suburban District has under its control water supply, sewerage, platting (including grading), plumbing inspection, and the laying of all underground utilities such as gas pipes and electric cables.[37] The Baltimore County Metropolitan District cares for water supply and sewerage needs. The Essex Border Utilities Commission has jurisdiction over water supply, main sewerage, public health, a public hospital and planning (including control of platting).

The Indianapolis Sanitary District is concerned with sewage disposal, garbage disposal, and collection of ashes and garbage.

Some of these authorities are also permitted to assume, subject to specified qualifications, certain other functions, but have not yet availed themselves of the authority. Thus the East Bay Municipal Utility District is empowered, subject to a favorable local vote, to provide not only water, but also light, power, heat, transportation, telephone service, other means of communication and means for the disposal of sewage, garbage, and other refuse matter. The Washington Suburban District is authorized to collect garbage and to operate a garbage disposal plant in addition to its other functions. The Essex Border Utilities is permitted to develop and manage a system of parks, subject to local approval.

In some of these districts, movements are on foot looking to the amendment of the laws under which they operate in order to assign additional functions to the district authorities. Thus in the New York City area, particularly its New Jersey section, there has been discussion of the advisability of assigning to the Port Authority the constructing and operating of an interstate rapid transit system. In the Essex Border Utilities District there is discussion of the necessity for securing authority for the building by the district of the arterial roads now being planned by it.

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[36] Except that the chairman of the Massachusetts Metropolitan District Commission is an ex officio member of it.

[37] Its supervision in the matter is exercised merely to the end of assuming that these pipes and cables do not interfere with its own pipes.

Territorial Jurisdiction

With regard to their territorial jurisdiction, these special metropolitan authorities fall into two groups: those embracing the central city and its suburbs, and those embracing only the suburbs. Those in the first group were created in order to assure a coördinated development of the central city and its suburban territory with respect to a particular function. Those of the second group were created only to care for the needs of the suburban section of the larger area or a part of such section, and to operate more or less independently of the central city.

The first group comprehends the following authorities: the Port of New York Authority, the Chicago Sanitary District, the Massachusetts Metropolitan District, the Metropolitan Planning Division and the Metropolitan Transit District, the Cleveland Metropolitan Park District, the Niagara Frontier Planning Board, the Port of Seattle District, the Indianapolis Sanitary District, and the four Canadian districts listed. The second group includes: the two districts in North Jersey (Passaic Valley Sewerage and the North Jersey Water Supply), the South Jersey Port District, the East Bay Municipal Utility District, the Baltimore County Metropolitan District and the Washington Suburban District.

Among the districts containing the largest number of independent political units are the Port of New York District, the North Jersey Water Supply District, the South Jersey Port District, the Massachusetts Metropolitan District and the Chicago Sanitary District. The details of these and other districts as to the number of political units embraced by them are given in the table below:

Table XI

Character and Number of Political Divisions Included in the Districts

Name of special district with metropolitan area of which it is a part	*Number of political divisions*
New York	
Passaic Valley (New Jersey) Sewerage District	Twenty municipalities in three counties (Newark, Paterson, Passaic, Bloomfield, Orange, etc.).
North Jersey Water Supply District	Twelve counties (Essex, Hudson, etc.).
Port of New York Authority	About two hundred municipalities (New York, Newark, Jersey City, Orange, etc.).
Chicago—Chicago Sanitary District	About forty municipalities in Cook County (Chicago, etc.).
Philadelphia—South Jersey Port District	Eight counties in New Jersey (cities of Camden, Trenton).
Boston—Massachusetts Metropolitan District	About forty municipalities in four counties.
Metropolitan Transit District	Fourteen municipalities
Cleveland — Cleveland Metropolitan Park District	Cuyahoga County and part of Medina County.
San Francisco-Oakland—East Bay Municipal Utility District	Nine municipalities in two counties (Oakland, Berkeley, Alameda, etc.).
Baltimore — Baltimore County Metropolitan District	Unincorporated area contiguous to Baltimore, 197 square miles, 55,000 population.
Buffalo—Niagara Frontier Planning Board	Two counties (Niagara and Erie).
Washington, D. C.—Washington Suburban District	Thirteen municipalities and unincorporated area contiguous to Washington, D. C., in Montgomery and Prince George Counties of Maryland, 96 square miles, 50,000 population.
Seattle—Port of Seattle District	Coterminous with King County (Seattle and sixteen municipalities.
Indianapolis — Indianapolis Sanitary District	Indianapolis and village of Woodruff Place.

Table XI—(Continued)

Character and Number of Political Divisions Included in the Districts

Name of special district with metropolitan area of which it is a part	*Number of political divisions*
Portland—Portland Port District	Portland and contiguous unincorporated territory.
Akron—Summit County Metropolitan Park District	All of Summit County, except one village.
Canada	
Vancouver — Vancouver Water and Sewerage Districts	Four municipalities (Vancouver, South Vancouver, etc.).
Winnipeg — Winnipeg Water Districts	Four municipalities (Winnipeg, Boniface, etc.) parts of three rural municipalities and some unincorporated territory.
Windsor, Ontario—Essex Border Utilities District	Seven municipalities (Windsor, etc.)
Montreal—Montreal Metropolitan Commission	

Extension of Boundaries

The boundaries of a number of the districts have been extended, either by action under the provisions of the original laws permitting such an extension or through later enacted statutes. These boundary extensions have been effected sometimes without local referendum or other local action; sometimes through a favorable vote by the electorate of the territory proposed for annexation; or through favorable action by the governing body of such territory; and sometimes through action of the district authorities themselves. The following instances will serve to illustrate these and still other methods by which district boundaries have been extended.

The boundaries of the Chicago Sanitary District have been repeatedly increased; first, under a law passed in 1903,[38] which required no referendum on the question; and later, under laws subsequently enacted providing for such referendum.[39]

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[38] *Illinois Laws,* May 14, 1903, Sec. 1. L. 1903 p. 92 (The courts sustained the law stating that the legislature has power to change the boundaries of a municipal corporation organized for sanitary purposes, and the above is a valid exercise of such power (Chicago v. Cicero 210 Ill. 290).

The boundaries of the Massachusetts Metropolitan Water Supply, Sewerage and Park Districts have been extended by admission into the districts of several municipalities, some through the action of their governing bodies in passing required resolutions and agreeing to terms fixed by the authorities of the district, and some by special acts,[40] and also by means of annexations made to Boston.[41] The Passaic Valley Sewerage District was enlarged by the admission since 1911 of five municipalities under special contracts executed between the commissioners of the district and these municipalities.

The law governing the establishment of metropolitan park districts in Ohio permits the annexation of territory on a petition by relatively small number of inhabitants (fifty) and a favorable decision by the probate court.[42] Under that provision the Cleveland Park District was greatly enlarged. The act governing the establishment of the East Bay Municipal Utility District contains an elaborate provision for annexation: Any municipality desiring to be annexed must first come to terms with the board of directors of the district. The terms worked out are included in the ordinance upon which a referendum in the municipality is held. If the annexation involves the incurring of indebtedness by the municipality then there must be a separate vote on the latter question in which a two-thirds majority is required.[43]

[39] *Illinois Laws,* 1913, p. 302; 1917, p. 285; 1919, p. 458; 1921, p. 329.

[40] In the case of the park district, Westwood included in the district by an act of 1897 (*Massachusetts Laws,* 1897, p. 266).

[41] Hyde Park merged with Boston under an act of 1911.

[42] *Ohio Code,* Section No. 2976—10 d, "Whein conducive to the general welfare any territory adjacent and contiguous to an existing park district . . . . may be annexed, etc."

[43] *California Act* of May 23, 1921, sec. 6.

CHAPTER XV

SPECIAL METROPOLITAN AUTHORITIES—STRUCTURE AND POWERS

From the point of view of the relation of special authorities to the state and to the local governments, such authorities may be divided, generally speaking, into four classes:

1. Those organized as the instrumentalities of the state and not as local governments.
2. Those set up as distinct local governments functioning independently of other local bodies.
3. Those organized primarily as the agents of the municipalities located in the territory, i. e., as federated governments.
4. Those bearing a peculiar relation to the state and local bodies and the people under their jurisdiction and belonging to none of the above-mentioned classes.

Each of these four classes will be briefly described.

State-controlled Authorities

State-controlled authorities are always appointive. Their members may be appointed by the governor, with or without the advice and consent of the legislature, or by the legislature alone. But not all the authorities so appointed are state-controlled. The best criterion of state control is that which looks to whether or not the activities, revenues and expenditures of the authority are controlled by the state government. The authorities belonging to this class are:

The Massachusetts Metropolitan District Commission which is composed of five members appointed by the governor with the advice and consent of the senate. One of them is designated chairman; the others, associates. It functions under the direction of the governor and executes such projects as the legislature from time to time adopts. It is financed by the state by means of appropriations and special bond issues. For most of these appropriations, however, and for the interest and sinking fund charges on these bonds, the state reimburses itself by means of an assessment which it imposes upon the municipalities in the district. The expenditures of the commission are controlled by the state budget just as the expenditures of any other department of the state.

The Division of Metropolitan Planning of the Massachusetts Metropolitan District. A commission of seven members, three of whom are appointed by the governor with the advice and consent of the senate. Four others are officials representing different departments concerned with transportation and other problems of the district; three of these represent state departments (public works, public utilities, and the metropolitan district commission) and one a city department (the transit department of Boston). The division submits from time to time plans for the execution of various projects for the development of the district. It is financed from annual appropriations by the state, which the state assesses back, however, on the municipalities in the district.

The Palisades Interstate Park Commissions of New York and New Jersey are state authorities and financed by state appropriations.

The Port of New York Authority. This authority was composed until 1930 of six commissioners—three from each state, appointed by the governor. Since the absorption by it of the New York and New Jersey Bridge and Tunnel Commissions, it consists of twelve commissioners, six from each state, appointed as before. The commission is defined in the law as the "municipal corporate instrumentality of the two states for the purpose of developing the port and effectuating the pledge of the states in the compact." It prepares and submits to the legislatures of the two states plans for the development of the port and when these plans are adopted by the legislatures proceeds to put them into effect. It obtains its financial support from appropriations made by the two states and from such loans as it may be able to obtain on its own credit, pledging therefor revenues which it expects to earn from its enterprises and the properties it expects to acquire. All the actions of the commissioners are subject to a veto by the governors of their respective states. As the federal government has approved the compact, and as it is concerned with matters to which the compact relates, the Port Authority is in a sense also an agent of the federal government.

The Washington Suburban Sanitary Commission is composed of three members, residents of the district, two of whom are nominated by the Maryland state board of health and appointed by the governing bodies of the two counties in which the district lies, and one appointed by the governor. It can borrow up to twelve per cent of the assessed valuations, but must secure for each bond issue an authorization from the public service commission of the state. It can levy special assessments and fix charges for its services. Appeal from its assessments and charges, however, can be taken to the public service commission. It can levy any tax necessary to cover the deficits in its revenues.

The first three authorities are state departments, the last two are public corporations.

Authorities Functioning Independently of Other Local Bodies

Differing from the authorities just described are those which are set up as the governments of distinct local corporations. In these cases the inhabitants of the given district are incorporated as a unit of self-government with control in some form over the authority and its activities. This control is exerted either through the power of electing the commissioners constituting the authority, or through the power of voting, or refusing to vote, taxes and bond issues for their work, or by both means. The authorities belonging to this class are as follows:

The Board of Trustees, Sanitary District of Chicago, is composed of nine members elected by the people of the district. It executes such projects, under the general powers conferred on it by the legislature, as it deems necessary, or in some instances, as the legislature specifically directs it to undertake.

The Seattle Port Commission, made up of three commissioners elected by the district. Before undertaking any project it must prepare a comprehensive plan for the development of the harbor and secure its approval by the people. All projects must conform to the plan. Any change in the plan must likewise be approved by the people. A separate submission is required of any project of improvement more than fifty per cent of the cost of which is to be financed by the entire district. The commission has taxing and borrowing powers. It may also establish local improvement districts and assess the people in such districts, with their consent, for benefit.

The North Shore Sanitary Commission, composed of five trustees appointed by the county court. It was organized upon a petition from the residents and after a favorable referendum by the people. It has taxing and borrowing powers.

The Cleveland and Akron (Summit County) Metropolitan Park Commissions are each composed of three members appointed by the probate judge, and removable by him upon presentation of complaints and after a proper hearing. They have taxing and borrowing powers.

Authorities of this nature do not embody the principles of federalism, for, though the municipalities continue to exist, they are not recognized as integral parts of the framework.

Federated Authorities

Authorities created to serve as agents of a group of municipalities are distinguished by the following features: First, they are set up by, or derive their powers from, compacts between municipalities. These compacts need not necessarily be executed documents specifying the respective rights and obligations of the parties. Their terms may be outlined in the law and the compacts become effective whenever the governing bodies or the voters of the municipalities vote to establish the authority in question, or to be included in its jurisdiction, or to vest the authority with the powers of executing certain projects and to raise the funds necessary for the purpose, or to accept some other obligations under the law.

Secondly, they are composed generally, though not always, of representatives of the participating municipalities. The municipalities are definitely recognized in their structural organization. The following authorities belong to this class:

The Passaic Valley Sewerage Commission, (*New Jersey*) composed of five members, residents of representative sections of the district, appointed by the governor, is supported by the twenty-one municipalities which have contracted with it for the construction and maintenance of the intercepting sewer and disposal plant. It is relatively free from state control.

The North Jersey District Water Supply Commission is composed of four members, residents of the district appointed by the governor, with the consent and advice of the legislature. It is financed and controlled under a scheme similar to that of the Passaic Valley Sewerage Commission.

The East Bay Municipal Utility District (*California, includes Oakland*) is administered by five directors, residents of the five wards into which the district is divided, elected on a general ticket. It cannot undertake the operation of any utility unless specifically authorized in each case by the municipalities composing the district. It can levy a tax, raise revenue from its enterprises, and borrow money.

The Niagara Frontier Planning Board (*includes Buffalo*) is composed of thirteen members; six county supervisors, three from each county, appointed by the governing body of the county; six mayors—one from each of the six principal cities in each county; and a thirteenth member appointed by the twelve. It is supported by appropriations by the boards of supervisors of the two counties. It has no power other than to submit recommendations to the county and municipal authorities.

The Essex Border Utilities Board is composed of the mayors or reeves of the eight municipalities and of eleven elective members, four of whom represent Windsor, and the rest the other seven municipalities. No project can be undertaken by the board unless it receives a favorable vote of the citizens of at least three municipalities, and only those municipalities which voted favorably can be included in the project. The board is financed by assessments on the municipalities participating in its various projects.

The Greater Winnipeg Water District Administration Board is composed of fourteen members of whom five are appointed by the city council of Winnipeg, two by St. Boniface, and seven by the city councils of the other seven municipalities respectively. In case of any difference of opinion, a vote may be taken upon the request of any municipality, by municipalities, each municipality having one vote plus one additional vote for every additional ten million dollars of assessed valuation.

The Vancouver and Districts Joint Sewerage and Drainage Board is composed of five members: a chairman, not a member of the council of any municipality, appointed by the provincial government; and the mayors or reeves of the four municipalities constituting the district. It can borrow with the consent of the provincial government and assess the debt charges and maintenance costs on the municipalities. Appeal from its apportionment of costs may be taken to the provincial government.

The Greater Vancouver Water District Administration Board is composed of seven members, three of whom are appointed by the city councils of Vancouver and the other four by the city councils of the four other municipalities respectively. The board may borrow on its own credit, with the approval of the provincial authority, and raise revenue from the sale of water. Appeal from its actions may be taken by any member municipality to the provincial authority.

The Montreal Metropolitan Commission is composed of fifteen members, eight of whom are appointed by the city government of Montreal, six by the governing bodies of the six other municipalities respectively, and one by the provincial government.

Most of these authorities are completely dependent financially on the constituent municipalities and are to that extent restricted in action. A few, however, have independent resources and consequently enjoy a greater leeway in operation. They all embody the idea of federalism, but not in the same form or degree. Some are relatively weak and in some respects subordinate to the constituent municipalities, others relatively strong and supreme in their respective spheres.

Authorities Controlled Partly by State and Partly by Local Government

At least three metropolitan authorities may be said to be partly state-controlled and partly locally controlled. These are the Portland Port Commission, the South Jersey Port Commission, and the Massachusetts Metropolitan Transit District.

The Portland Port Commission consists of seven commissioners, residents of the district, appointed by the legislature. It is required to submit an annual report to the legislature. It can borrow money and its budget is subject to review by the Tax Supervising and Conservation Commission of Multnomah County—a body appointed by the governor. Its offices are located in Portland.

The South Jersey Port Commission is composed of five men appointed by the governor with the advice and consent of the senate. It must report annually to the legislature and submit to it from time to time recommendations for the better conduct of commerce through the port district, and the improvement of transportation facilities in it. It has charge over the development and operation of the port, subject to approval by the state board of commerce and navigation. Thus far its administrative expenses have been covered by state appropriations. It can levy a tax on any municipality whose people have voted in favor of being taxed by it. Any county or municipality having voted to be taxed is to be represented on the commission by a member appointed by the governing body of such county or municipality. It can borrow money on its own credit.

The Massachusetts Metropolitan Transit District, as stated above, is governed by a board of five trustees the majority of whom are appointed by state authority, and one by the mayor of Boston; and, *in part,* by a transit council composed of the mayors and chairmen of boards of selectmen of the cities and towns comprising the district. The recommendations of the trustees as to new projects must be approved by the council before they can be submitted to the legislature, without whose final approval they cannot be executed. The district can borrow money on its own credit and levy a district tax without further authorization from the legislature.

Exception to Classes Described

The Indianapolis Sanitary Commission, which, as before noted, is not perhaps entitled to the description "metropolitan," cannot be assigned to any of the classes just described. While it is a separate municipal government, from the standpoint of law, its boundaries are identical with the outer boundary lines of the city. With the exception of the small village of Woodruff with a population slightly in excess of 1,000, it serves the same people and territory as does the city.

The Indianapolis Sanitary Commission is composed of three members, one of whom is the city engineer, one an engineer nominated by the state board of health and appointed by the mayor, and one chosen by the other two. It can issue bonds and levy a tax. Its levy for maintenance costs, however, is subject to control by the city council and mayor. The tax is collected by the county and the proceeds held by the city treasurer for the commission's use.

In this case, the people may be said to control the authority through their city government inasmuch as the members of the commission are appointed, practically, by the city government and the latter controls, in part, the expenditures and tax levies of the commission.

Composition of the Commissions

The members of the commissions described above are selected by appointment, by election, ex officio, or by combination of these three. Where the offices are filled by appointment, it is customary to require that the appointments be made from among the residents of the districts, and sometimes from specified sections or municipalities in it.

The favorite method of appointment, which is found not only in state-controlled authorities but also in others, is appointment by the governor with the advice and consent of the senate.[1] In only one instance[2] are the appointments made by the legislature.

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[1] See the two commissions of Massachusetts, the Port of New York and South Jersey Port Authorities, the Passaic Valley Sewerage, and the North Jersey District Water Supply Commission above.

[2] Portland Port Commission.

In three cases the members are selected by the county courts;[3] in three, the choice is principally in the hands of the local authorities, the state appointing merely a supplemental or neutral member.[4]

Where the appointive method has been adopted it has been because of a belief that thereby the selection of men of high caliber will be facilitated and the play of "politics" minimized, or because it was desired to establish state control over the authority.

In a few instances the district authorities are composed entirely or largely of state or local officials serving ex officio. These are in the main in Canada. In this country there are only two such authorities—the Metropolitan Planning Division of Massachusetts and the Niagara Frontier Planning Board. In the case of the Indianapolis Sanitary Commission, a minority of the commission consists of ex officio members.

It is interesting to note that in the Canadian schemes and the Niagara Frontier Planning Board, the ex officio members are all local policy-determining officials, such as mayors, members of the city councils, and county supervisors; whereas in the other two instances mentioned they are the heads of technical departments who do not ordinarily determine policy. The primary purpose of the scheme of ex officio membership is to secure a closer integration between the work of the authority and that of the constituent local governments, and assure these local governments a better control over the authority. In the case of the Massachusetts Division of Metropolitan Planning, the purpose is to secure a closer integration between the work of the latter body and that of the other departments of the state.

The solely elective commissions are less numerous than the commissions of the other two classes. Only three such commissions are found to exist in the districts here described—the Chicago Sanitary Commission, the Port of Seattle Commission, and the East Bay Municipal Utilities Board. The members of these commissions are elected in each case on a general ticket; but in the last two instances the district is divided into wards or subdistricts each of which is entitled to representation.

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[3] The metropolitan park commissions of Cleveland and Akron and the North Shore Sanitary Commission.

[4] Washington Suburban Sanitary Commission—one appointee of the governor against two appointees of the county (nominated, however, by the state board of health); Vancouver sewerage board (one chairman, appointed by the provincial government); Indianapolis sanitary commission—one member out of three, nominated by the state board of health and appointed by the governor.

Where the elective method is adopted, two reasons ordinarily prompt its choice:—(1) it presumably secures direct responsibility of the commissioners to the people of the district and (2) it makes for independence in commission opinion and action.

Terms and Compensation of Members

The membership of the authorities in this country is usually small. The largest bodies are the Niagara Frontier Planning Board which has thirteen members, the Port of New York Authority twelve, and the Chicago Sanitary Commission which has nine. The Massachusetts Metropolitan Transit District is governed by a board of five members, assisted by an advisory body of fourteen members. The others have from three to seven members.

3 members—Cleveland and Akron District Park Commissions, Washington Suburban Sanitary Commission, Seattle Port Commission, Indianapolis Sanitary Commission.
4 members—North Jersey District Water Supply Commission.
5 members—Massachusetts Metropolitan District Commission, Passaic Valley Sewerage Commission, North Shore Sanitary Commission, South Jersey Port District, East Bay Municipal Utilities and Providence Metropolitan Park Commission.

In Canada larger boards prevail. The Winnipeg Water District Board has fourteen members, the Montreal Commission fifteen, the Essex Border Utilities Commission nineteen members. The Vancouver Sewerage and Water Boards alone have a relatively small membership. It should be noted, however, with reference to authorities in the United States on which each municipality is entitled to representation, that as the participating municipalities increase in number the membership of the commissions will expand.

The argument advanced in favor of small bodies, is that they are more efficient and deliberate in action and better able to control the executive staff than large bodies. The argument put forward in favor of large bodies is that they admit of full and direct representation of the different municipalities in the district.

Four and five years are the most common terms for which members of these commissions are appointed or elected. The terms are generally staggered. The terms are as follows:

3 years—Cleveland and Akron Metropolitan Park Commissions, Port of Seattle Commission, Essex Border Utilities Commission.
4 years—North Jersey District Water Supply Commission, East Bay Utilities Commission, Washington Suburban Commission, Port of Portland Commission.
5 years—Port of New York Authority, Passaic Valley Sewerage Commission, South Jersey Port Authority, Massachusetts Metropolitan District Commission, North Shore Sanitary Commission, the Division of Metropolitan Planning in the case of the three appointees of the governor and legislature.
6 years—Chicago Sanitary Commission.

In some cases no compensation is paid to the commissioners; in others a compensation is paid which is nominal or, at best, a part-time compensation; in still others substantial full-time compensation is paid.

No Compensation

Port of New York Authority.
Palisades Interstate Park Commission.
South Jersey Port Authority.
Metropolitan Planning Division of Massachusetts.
Metropolitan Transit Board of Massachusetts.
Cleveland and Akron Metropolitan Park Commissions.
East Bay Municipal Utility Commission.
The five Canadian authorities.

Nominal or Part-Time Compensation

$ 500 to $1000—North Shore Sanitary Commission.
$1000—Associate Commissioners of Massachusetts Metropolitan District Commission.
$2000—Washington Suburban Sanitary Commission.
$2500—Passaic Valley Sewerage Commission.
$3000—North Jersey District Water Supply Commission and Seattle Port Commission.

Full-Time Compensation

$3600—Indianapolis Sanitary Commission (except city engineer).
$6000—Massachusetts Metropolitan District Commission.
$7500—Chicago Sanitary Commission.

Where the authorities are composed of ex officio members no additional compensation is ordinarily paid. Where no compensation is paid the purpose is obviously to render the office unattractive to the ordinary politician.

Powers to Investigate and Recommend

The powers of the authorities may be classified briefly as follows: (1) the power to investigate and recommend, (2) the power to formulate and execute projects and maintain specified services, (3) the power to raise money, and (4) incidental powers (eminent domain, etc.).

The power to investigate and recommend is obviously the most modest of those mentioned. It may be exercised either on behalf of the state or on behalf of the local bodies and it is designed to enable the state or these local bodies to take appropriate action. It is the only power which the Niagara Frontier Planning Board and the Metropolitan Planning Division of Massachusetts possess. The first body investigates and submits its recommendations or plans to the governing boards of the counties and municipalities; the second reports to the governor and legislature of the state.

This power plays a very important rôle in the schemes upon which the Port of New York Authority and the South Jersey Port Authority are organized. The former body at the time it was established was directed to prepare a comprehensive plan for the development of the port which the legislatures of the two states could adopt, and from time to time to prepare supplementary plans and transmit to the legislatures of the states and to congress recommendations for the better handling of the commerce passing through the port. It is also empowered to petition any federal, state or local body "for the adoption and execution of any physical improvement . . . . change in method, rate of transportation . . . . which in the opinion of the port authority may be designed to improve . . . . the handling of the commerce . . . . through said district" and intervene in any proceeding affecting the commerce of the port. The South Jersey Port Authority is vested with similar powers except that it is to exercise them on behalf of the state of New Jersey alone, and, to a larger extent than the Port of New York Authority, on behalf of local authorities.

The Passaic Valley Sewerage Commission and the North Jersey District Water Supply Commission are authorized to conduct such investigations of sewerage or water supply problems as any municipality undertaking the cost thereof may request.

The Essex Border Utilities Commission may devise plans for widening and improving streets affecting more than one municipality.

These powers to investigate and recommend are in themselves not unimportant and are especially significant when combined with power to carry the recommendations into effect after they have been approved by the bodies to which they have been submitted.

Powers of Execution and Maintenance

The authority may be limited to executing projects which the legislature has directed it to undertake and to the organization and maintenance of services in a manner prescribed by the legislature. Or it may be empowered to execute such projects and maintain such services, within certain limits, as it may itself decide and as its constituent municipalities may authorize it to undertake or maintain. Or it may be empowered to execute any project which it may choose, within the limits prescribed by the law and subject to certain specified conditions.

The Massachusetts Metropolitan District Commission exercises powers of the first type, the legislature specifying in each case the projects to be undertaken and the services to be maintained.

The Passaic Valley Sewerage Commission, the North Jersey District Water Supply Commission, and the Essex Border Utilities Commission exercise powers of the second type. These commissions may formulate projects but they cannot execute them until a prescribed number of municipalities—two in the first case, one in the second, three in the third—have approved the undertakings and obligated themselves to furnish the necessary funds.

The sanitary commissions of Chicago, North Shore, Indianapolis and the Washington Suburban District, the East Bay Municipal Utilities District, the Metropolitan Park Commissions of Cleveland and Akron, the port commissions of Seattle and the sewerage and water authorities of Vancouver—all exercise powers of the third type. They determine the projects to be entered upon and the services to be maintained, subject only to certain general limitations imposed by the legislature. Some of them are required, before proceeding with the execution of such projects or borrowing money for them, to secure authorization from their people.

Some authorities exercise powers of one type in one phase of their activities and of another type in another phase. The South Jersey Port Commission affords an illustration.

The following is an outline of the powers of five representative special authorities.

The North Jersey District Water Supply Commission. Upon a petition from any municipality for a new water supply and for an estimate of the cost thereof, to be made at the expense of the municipality, the commission is to apply to the state water policy board for the right of diversion of water for such water supply, which right shall not be granted until after a hearing at which the municipalities affected may appear and express their willingness to join with the other municipalities. Having secured the consent of the state department, the commission proceeds to formulate plans, estimate costs of construction and operation, the probable share of cost to every municipality and the cost of any individual system or water plant, and to report it together with a form of contract providing for the raising of the necessary funds to the municipalities, and to specify the time within which any interested municipality may submit modifications of the form or signify its acceptance thereof or intention to withdraw. It may on account of such suggested modifications or expressed intents to withdraw, redraft the contract and resubmit it. Such process of resubmission of modified contracts can be continued until a form of contract has been agreed upon by the commission and one or more municipalities. After such agreement, each municipality that has become a party to it must appropriate the required funds and authorize the execution of the contract. If any fails to do so, the commission may take appropriate action to compel the appropriation or execution of the contract, or may consider the project to have been abandoned by such municipality and redraft and resubmit the contract to the remaining municipalities. When the contract has been executed, the commission proceeds to carry it out and acquire or construct the water supply. Upon completing the latter, it retains sole control of it, except for such part as it may convey to any of the contracting municipalities in trust for each of the contracting municipalities. It may admit to participation other municipalities, after a proper hearing, if they agree to pay the proportionate costs of acquisition, construction and operation of the plant, for the benefit of the municipalities which have contributed to such cost. No municipality in the district may develop new water supplies without permission of the commission.

The Essex Border Utilities Commission. Before undertaking any work it must make a survey and submit a report with an estimate and apportionment of costs to every municipality, and secure approval of the undertaking by the voters of three or more municipalities. In case only three approve, it may resubmit the question to these three with the changed apportionment of cost, or resubmit the original question to the rejecting municipalities. Where only one municipality rejects and its share is less than 15 per cent, the other municipalities may by action of their respective councils and without a resubmission to the voters increase their shares. Municipalities not approving are not to be included in the undertaking. The commission may construct and maintain trunk sewers, sewage disposal and treatment plants; and the municipalities participating in the undertaking may secure a connection of their sewers with the trunk sewers. It may take possession of any municipal sewer as ancillary to its intercepting sewer. Any disagreement in such case to be submitted to the drainage referee. The commission may construct an intercepting sewer for any drainage area not included in the original trunk sewer, with the consent of the municipality involved and at its expense. It may construct or acquire water works within fifteen miles from Ford City and supply water to municipalities willing to participate. It may establish a board of health, embracing in its jurisdiction Windsor, Walkerville, Sandwich, Ford City, Ojibway, with the powers of a municipal council under the Public Health Act, except that it cannot raise money by taxation for the purpose. No referendum for the establishment of the board is required. The commission may construct and maintain a hospital for communicable diseases, with the permission of the provincial board of health. But for erecting a general hospital it must have the assent of the voters of the municipalities as specified above. It may exercise the power of a board of park management and acquire, develop and maintain a metropolitan park system, subject to such assent. The park may be in the district or within ten miles from it. The commission may exercise powers of a town planning commission and approve plans of subdivisions. It may devise plans for widening or improving major streets affecting more than one municipality and with the assent of the voters of the municipalities undertake the execution of such plans.

The Chicago Sanitary Commission, may provide for the main drainage of the district by constructing and maintaining drains, main channels, ditches, outlets, and sewage disposal plants. Under the law it must, beginning with the year 1925, construct facilities for the treatment of sewage. The United States Supreme Court decision contemplates the completion of a comprehensive sewage treatment system by 1938. It may construct docks adjacent to any of its navigable drainage channels and lease and manage them and lease any land adjoining thereto. It may control and dispose of any water power which may be incidentally created in the construction and use of its channels and outlets. In no case may it control water after it passes beyond its channel; but the state may demand a part of the revenues derived from water power and may supervise the channels for purposes of navigation. The commission is specifically empowered to develop water power from its channels north of the upper base of the Illinois and Michigan Canal, to convert it into electric energy and sell as much of it as will not be necessary for the operation of its pumping stations and other works. It may exercise jurisdiction over its channels outside of the district, but not beyond Lockport. It may construct controlling works in the lakes or in any of its channels in order to maintain a flow in the channels necessary to comply with the requirements of the state and the federal government. It may build and maintain highways along and near its channels to make accessible its docks, and build bridges over the channels. The commission may maintain a police force along its main channels within a distance of one and a half miles on each side, the powers of such police to be the same as the powers of the regular city and village police. When operating, however, within the limit of a city or a village such police may act only in aid of the local police force and subject to direction by its chief.

The East Bay Municipal Utilities District may acquire, construct and operate, within or without the district, works to supply the inhabitants and municipalities with light, heat, water power, transportation, telephone service and other means of communication, or means for the disposition of garbage, sewage or refuse matter, and do all things necessary or convenient to the exercise of these powers. It may purchase any of the commodities mentioned from other districts or municipalities, provide and distribute them, and sell any surplus of these commodities outside the district. It cannot, however, purchase or construct any public utility unless its acquisition has been first approved by a majority of the voters of the district. The submission of the proposition to acquire or construct such a utility takes place upon the passage of a resolution of the governing body of the district or by a petition by the voters numbering fifteen per cent of the number of persons who voted in the last election. The amounts of the bonds to be issued for the purpose must be specified in the submission. It may acquire only revenue-producing utlities, it being specifically intended by law that all utilities operated by the district be self-sustaining. To that end, the governing board must fix as far as possible such charges for the commodities as will make the utilities self-sustaining. The district may contract with any of the municipalities for the use of its commodities or services, and may fix rates, schedules, contracts, and practices pertaining to such commodities or services. It can borrow in excess of its annual revenues only with the permission of the people.

The Washington Suburban Sanitary Commission may construct and maintain systems of water supply, sewage and refuse disposal, and divide the district into water and drainage districts. It may furnish not only water mains and sewers, but also water and sewer connections, and serve the houses directly. Whenever it refuses to construct a water supply or sewer system, the municipality itself may construct one. It may institute a system of collection and disposal of garbage and other refuse whenever it sees fit. It may extend its water supply, sewage, and disposal system into contiguous territory outside the district wherever the property-owners agree to conditions imposed by it. It may make and enforce plumbing regulations. Nothing in the act however is to restrict control of the state board of health over the district. The commission may issue permits for underground work to any corporation or person and refuse to permit such underground work as interferes with its own pipes. It may control plats and establish grades.

Methods of Financing

Sources of finance may be classified in the order of their relative importance as follows: (1) taxing and borrowing powers; (2) funds contributed by the constituent municipalities from taxes or loans under some scheme of apportionment or assessment of costs; (3) revenues from enterprises of the authority and loans secured by such enterprises; (4) special assessments on benefited property; (5) appropriations by the state; and (6) voluntary contributions.

Relatively little needs to be said about the three last-mentioned groups of revenues. But one authority is financed from free-will contributions by the participating political units. This is the Niagara Frontier Planning Board, which is supported by voluntary appropriations from the governments of the two counties which constitute the planning district.

Appropriations and bond issues by the state seldom constitute a primary source of finance. In the case of the Port of New York Authority, as originally conceived, and the South Jersey Port Authority, state appropriations are granted merely for administrative expenses, and no enterprises are to be financed from this source. This arrangement has undergone some changes in the case of the Port Authority since the assumption by it of the functions of constructing interstate bridges and tunnels and the absorption by it of the bridge and tunnel commissions of the two states. Appropriations by the states from their general funds or revenues from the bridge and tunnel tolls or state bond issues have played a part in the financing of some of its projects. The Providence Metropolitan Park Commission was for years financed solely from state appropriations and state bonds. Though it had the power to levy a local tax, it never exercised it and it presents an exception to the general rule. Its jurisdiction was eventually extended to the limits of the state so that it became metropolitan merely in name.

Special assessments on benefited property are seldom resorted to as a primary means of financing the authority. In only one case—that of the Washington Suburban Sanitary District, described below—is this method employed. In the few other cases in which such assessments are levied (the Metropolitan Park Commissions of Cleveland and Akron and the Seattle Port Commission), they are employed as supplementary means of financing.

Taxes and Loans Guaranteed by Taxes

Some of the most important authorities possess powers of taxation and borrowing similar to those generally vested in a municipality. The law usually fixes the maximum tax rate which the authority may apply and the maximum amount, expressed as a certain percentage of assessed valuations, which it may borrow.

In most instances the tax limit is applied only to the levies for maintenance costs and the authority is allowed to levy any amount for debt charges. In some schemes an additional tax may be levied if approved by the people. Some authorities may issue bonds within the debt limit, without going to the people for permission in each case; others must secure popular consent in every instance. Still others must submit the proposed bond issues to a referendum only if they exceed a certain figure or if the total debt charges exceed a specified proportion of assessed valuations.

The taxes and loans of the authority are always in addition to the taxes and loans of the municipalities or counties. They are not included in the tax and debt limits of the latter. As pointed out above, some of these authorities were organized for the very purpose of making possible the financing of particular enterprises outside the tax or debt limit of the big city.

Some of these authorities are financed more largely from bonds guaranteed by taxes than from taxes. Often the taxes are expected to be considerable only in the initial period of the operation of the authority when substantial revenue is not yet earned. Later the revenue is expected to be sufficient to cover either the entire debt charges or a major part of them, so that the taxes will be levied merely to cover deficits.

The debt limits, maximum tax rates, provisions for the levy of taxes and incurrence of loans, and the supplementary resources of the following authorities are set forth below.

The Chicago Sanitary Commission can borrow up to five per cent of assessed valuation, but must submit each proposed bond issue to referendum. It can levy a tax not to exceed fifteen cents per hundred dollars of assessed valuation for general operating purposes and for any amount necessary to meet debt charges.

The North Shore Sanitary Commission can borrow up to five per cent of the assessed valuations, but must submit each proposed bond issue to a referendum. It can levy a tax of one-third of one per cent for maintenance and for any amount to meet debt charges. It can levy an additional one-third of one per cent with the permission of the people.

The Cleveland and Akron Metropolitan Park Commissions each can levy a tax of a minimum of one-tenth of one mill subject to a general tax limit in the county; and may also levy an additional tax of one-tenth of one mill, if the people authorize such a levy for a specified period of years by a referendum. Such additional tax is not to be subject to the general tax limit. The commissions may each issue bonds in anticipation of the collection of the additional tax for the acquisition and improvement of the land up to one per cent of the assessed valuations. Each can assess property to the extent of the benefits, but not for more than one-half of the costs of improvement, and issue assessment bonds in anticipation of the collection of assessments following the same procedure in the matter as the municipalities do in street improvement.

The East Bay Municipal Utility District can borrow for terms not exceeding fifty years up to an amount equal to twenty per cent of the assessed valuation. Self-supporting bonds are not included in the debt limit. The incurrence of any indebtedness in excess of the annual income must be approved by a two-thirds vote of the people. The district can levy a tax to meet the debt charges if the revenues produced by its enterprises are insufficient for the purpose. The tax is levied through the instrumentality of the county. In the exercise of the taxing power the district may use the assessed valuations determined by the county or develop its own system of assessments and certify them to the county authorities to be used in the levy of the district tax.

The Washington Suburban Sanitary Commission can borrow up to an amount equaling twelve per cent of the assessed valuations and for terms not exceeding fifty years, but must in each instance secure permission from the public service commission of the state to issue the bonds. The bonds are guaranteed by the two counties, each county's responsibility being proportionate to the assessed valuations contained in its respective portion of the district. The commission can levy a tax to pay the debt charges not covered by special assessments and other revenues. Each county collects the tax for it in its respective part of the district. Special assessments for water pipes and sewers may be levied.[5] The commission may issue assessment bonds and make special charges for house connections, the proceeds of which are to be applied in equal proportions to meeting repair and replacement costs and debt charges respectively. It can also impose service charges for water consumed and for water meters. Appeals from its assessments and charges can be taken to the public service commission.

The Seattle Port Commission can borrow up to an amount equal to two and one-half per cent of the assessed valuation for terms not exceeding fifty years upon a three-fifths vote by the people, except that it can issue bonds for dock purposes only if it has first negotiated a lease for at least ten years assuring it a sufficient revenue to pay the debt charges on these bonds. It can levy a tax of a maximum of two mills and can establish local improvement districts within the port district, with the approval of the property-owners in each case. It may levy assessments on the benefited property against which the county government may issue ten-year special assessment bonds in anticipation of the collection of the special levies.

The Indianapolis Sanitary Commission can borrow for twenty to fifty-year terms up to an amount equal to 8% of the assessed valuations. It can levy a tax not exceeding eighty cents on every hundred dollars of assessed valuation for maintenance and general overhead, subject to review by the city authorities and for any amount to meet the debt charges. The tax is levied by the county and the funds are kept for its use by the city treasurer.

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[5] The scheme of assessment is rather elaborate. It is based on the front foot rule and the rate is different for different classes of property. These classes are as follows: agricultural, small acreage, industrial or business, subdivision.

The Portland Port Commission can borrow subject to the approval of the people in each case to an amount equal to 5 per cent of the assessed valuations of the real estate. It can levy a tax within certain limits fixed by statutes for a variety of different purposes and subject to the constitutional limitation forbidding annual increases of more than 6 per cent. The tax is collected by the county for the commission.

In New York and some other regions a controversy developed over the justifiability of the exemption of the properties of a district authority from local taxation, opponents of such exemption pointing out that a municipality in which the district authority may acquire property may suffer serious loss of revenue because of the exemption of such property from taxes. The matter was made a subject of a special legislative investigation in New York and New Jersey. Massachusetts met this situation in its metropolitan transit district act by providing that the real estate of the district, with the exception of that used for tunnels, subways, stations, transfer areas and rapid transit lines and their appurtenances, should be subject to local taxation exactly as if it were privately owned. The proposed plan of regional government in New Jersey meets the question differently by providing that the land owned by the district shall be taxable but all improvements erected thereon shall be exempted from taxation.

Assessments Against Municipalities—Mandatory or Contractual

At least eight authorities are financed principally by assessments against municipalities. Two of these, the Massachusetts Metropolitan District Commission and the Division of Metropolitan Planning of Massachusetts, are state controlled. The others are locally controlled.

The schemes of assessments are often complicated. They vary greatly. Not only do different authorities use different plans, but in some cases the same authority uses a variety of methods to accomplish a variety of purposes.

The schemes may be classified as to whether the assessments are mandatory on the constituent municipalities, or are to some extent at least, optional with them. They are mandatory in the Massachusetts, Montreal, and Vancouver districts. In Massachusetts the state authorizes the expenditures and then assesses the cost (or rather the debt charges and maintenance costs involved) upon the municipalities. In the two other cases, the authority itself proceeds with the expenditure or incurs the loan and then assesses the costs on the municipalities. In these three instances the municipalities have no choice but to pay the assessments. In all other instances, the constituent municipalities first vote whether or not they will participate in the proposed project.

In most instances the scheme of assessment is definitely prescribed by statute. Sometimes, however, it is determined by the authority. In such cases it may be determined either before a referendum on the project is held or a contract is executed between the municipalities, or afterward. Where the assessments are not spread in advance of referendum or contract, the municipalities are sometimes permitted to appeal afterwards to some higher jurisdiction—a public service commission or a municipal board of the state or province.

Reasons for the Adoption of Assessment Schemes

In the case of the Massachusetts district the assessment scheme was adopted for the reason that it permitted the state to undertake the execution of the improvement without resorting to state taxation and without cost to those who lived outside the district and would not be benefited by the improvement.

The methods adopted by the Passaic Valley Sewerage Commission, the North Jersey District Water Supply Commission, and the South Jersey Port Authority were dictated by necessity rather than by choice.

Originally, as stated elsewhere, the law providing for the establishment of a Passaic Valley Sewerage Authority gave that authority tax levying and borrowing powers. Though appointive, this authority was to function as a municipal government. The courts, however, declared the law unconstitutional on the ground that taxing powers were peculiar to elective, self-governing bodies and could not be vested in an appointive commission. The promoters of the scheme had to choose between making the commission elective or surrendering the taxing power. They chose to do the latter and secured the enactment of a new law substituting assessments on the constituent municipalities for tax levies, and a contractual alliance between the municipalities for what was to have been an independent municipal corporation.

The promoters of the two other New Jersey schemes merely followed this model. In their case the assessment scheme was adopted because it was desired to distribute the costs between the municipalities on a different basis than that of assessed valuations, or because of objections by the municipalities to the establishment of a special authority exercising powers of taxation over them.

Schemes of Assessment

The purpose behind most of the schemes of assessments against municipalities is to apportion the costs of the work performed by the authority according to the benefits derived. There is often a wide divergence of opinion as to how these benefits should be measured. The principal standards which have been utilized for the apportionment of costs are as follows:

1. *Assessed valuations.* This method is identical with an ordinary property tax, except for the manner in which its levy is authorized. Municipalities having small assessed valuations and large population generally favor it, whereas those having large valuations and small populations are generally opposed to it. It is found in the following instances: the Massachusetts Metropolitan District, for capital outlays for sewerage, parks and boulevards with certain exceptions and for the financing of one-half of the maintenance costs of boulevards; in the Passaic Valley Sewerage District for capital outlays; in the Montreal Metropolitan District for the general overhead of the commission; and in the Vancouver Sewerage District for maintenance costs.
2. *Population.* Under this scheme a municipality with a small population but large assessed valuations is made to pay an assessment which constitutes a relatively low tax, and one in a reverse situation pays an assessment which constitutes a relatively high tax. For this reason municipalities of the first kind sometimes favor this scheme and those of the second oppose it. It has been adopted in the Massachusetts Metropolitan District for the apportionment of costs of maintenance of the sewerage works, and in the Essex Border Utilities District for the apportionment of costs of maintenance of the board of health.
3. *Quantity of commodity consumed or delivered.* This scheme is used by the Passaic Valley Sewerage Commission, the North Jersey District Water Supply Commission and the Essex Border Utilities Commission, for the distribution of the costs of maintenance of the sewerage and wa-

ter works. The quantity of water supplied to each municipality or the amount of sewage flowing from each municipaity is measured by meters.

4. *Estimated or allotted consumption.* This plan has been adopted in the case of the North Jersey District Water Supply Commission and the Essex Border Utilities Commission for the apportionment of the costs of constructing the water works. The agreement for the construction of these works, entered into between the municipalities and the commission, in each case specified the quantity of water which each municipality would be allowed to use, or would probably use the first year, and required each municipality to contribute to the construction costs in accordance with this allotment or estimate. In the case of the New Jersey Water Supply Commission, each municipality may cede to any other a part of the water allotted to it. In the case of the Essex Border Utilities Commission, reapportionment of the costs may be had upon the request of any municipality any time after two years following the execution of the agreement.

5. *Number of representatives on governing body.* This scheme is found in operation in but one case, that of the apportionment of the general overhead of the Essex Border Utilities Commission. Originally all municipalities were equally represented on that body and shared equally in these costs. Several years ago, however, at the instance of Windsor which contended that it had a larger stake in the work of the authority than other municipalities had and should have a larger representation on it, the number of representatives of that city was increased from two to five with the result that its share of the overhead cost was increased thereby from one-eighth to five-nineteenths, practically double the former proportion.

6. *Combination of measurement units.* In several instances, schemes of apportionment have been adopted which combine two or more of the schemes just described and represent in a way a compromise between them. They are often dictated by purely local considerations rather than by any theoretical reasons. Thus, in the Massachusetts Metropolitan District, both the capital outlays and the maintenance costs of the water works are assessed upon the municipalities—one-third in proportion to their valuations and two-thirds in proportion to their consumption. This scheme was adopted so that the richer municipalities would pay for construction considerably less than what they would have had to pay had they been assessed on the basis of their valuations and yet a little more than what they would have had to pay on the basis of their consumption. Such combinations are also found in the Essex Border Utilities District and the Vancouver Sewerage District. In the first in the assessment of costs of construction of the sewer four factors are combined—population, area, proportion of capacity allotted, and finally, the latter multiplied by the length of the sewer in each municipality—each factor being given one-fourth weight.

The costs of special works or services performed for individual municipalities are often specially assessed upon them. Thus, for example, the interest and sinking fund charges on account of loans incurred by the Montreal Metropolitan Commission for the benefit of an individual municipality are charged against that municipality. In the Essex Border Utilities District the costs of connecting the sewers and water mains of the constituent municipalities with the trunk sewers and water mains of the district authority are charged to the respective municipalities. In the Winnipeg Water District one-half of the costs of conveying water from the water mains of the district authority to the water mains of the respective municipalities are charged to these municipalities individually.

The details of these schemes and the supplementary financial resources of the authorities assessing costs against municipalities are as follows:—

The Massachusetts Metropolitan District Commission. The state makes annual appropriations in its budget for the commission and issues from time to time under special acts, bonds for its construction and acquisition work. It recoups itself for these appropriations and for the interest and sinking fund charges which it must pay by assessing the amounts involved on the municipalities of the district. The only expenditures which it does not so assess are those representing one-half of the costs of maintenance of the boulevards. The assessments are determined annually by the state treasurer according to the following scheme: For interest and sinking fund charges for construction of the sewerage system—according to assessed valuations as determined for state and county taxes; its maintenance according to population as determined by the last national census. For construction and maintenance of the water supply—one-third in proportion to the valuation and two-thirds according to consumption, except that any municipality not using water from the metropolitan supply pays only on the basis of one-fifth on its valuations and nothing on consumption, and any municipality receiving only a part of its water from the metropolitan supply receives a credit of $12 for each million gallons thus otherwise received. For acquisition and improvement of parks (interest and sinking fund charges), according to the assessed valuations except that Boston and Cambridge pay each, in addition, one-sixth of the cost of the marginal conduit along their respective sides of the Charles River basin. For maintenance of parks, with certain exceptions, acording to the average of valuation and population. For maintenance of Nantasket and Charles River basin, according to valuation. One-half of the cost of maintenance of the boulevards, according to valuation.

The South Jersey Port District may finance its enterprises from a maximum tax of one mill which any municipality or county may, by a vote of its people, levy for its use. It may borrow on its own credit against any property held or to be held by it. Its general overhead was covered, in the initial period, by state appropriations.

The North Jersey District Water Supply Commission is financed by participating municipalities from bonds issued or taxes levied by them for the purpose or from the revenues secured by them from the sale of water. Construction costs apportioned in accordance with the allotment of water; maintenance costs according to consumption. Each municipality has its own distributing system and is to attend to the distribution and sale of the water it obtains. Each must set aside from its water revenues the amounts necessary to pay interest and sinking fund charges. If such revenues are insufficient for the purpose, it must raise the deficiency from taxes. No power is given to the authority itself to issue bonds, levy taxes, or "incur any indebtedness on the part of the state of New Jersey." The commission may obtain revenue also by selling water to other municipalities than its members.

Passaic Valley Sewerage Commission is financed by participating municipalities from bonds or taxes. The municipalities may borrow for the purpose up to five per cent of their assessed valuation, irrespective of their other indebtedness. Construction costs are assessed according to assessed valuations, maintenance costs according to the flow of sewage. Each municipality is allowed a specified proportion of the capacity of the sewage and may either cede a part of it to another municipality or in case that proportion is insufficient for its needs to obtain additional capacity from a municipality willing to give it to it.

Montreal Metropolitan Commission may borrow on behalf of its constituent municipalities or guarantee the bonds issued by them. It may assess the debt charges on the municipalities for which its loans have been incurred and in the case any municipality is unable to pay these charges apportion the deficit among the remaining municipalities reimbursing them, however, in time from the municipality that fell behind in its payments. In the case of default it may take charge of the tax levies in the municipality and collect the amount due directly from the people.

Vancouver Sewerage Board may, with the consent of the provincial government, borrow up to $10,500,000 for a maximum of forty years, such loan to be incurred on the credit of the municipalities, but not to be charged against their respective debt limits. The provincial government may guarantee interest and principal up to $5,000,000. Thirty per cent of the interest and sinking fund charges are apportioned among the municipalities according to assessed valuations, the balance according to the costs of the works performed respectively for the different municipalities. Maintenance costs are apportioned according to assessed valuations. Each municipality must include the amount assessed against it in its annual tax levy and pay it over to the minister of finance, who manages the sinking fund, attends to the payment of interest and redemption of bonds and pays all the other amounts to the board as needed. Any municipality dissatisfied with the apportionment may appeal to the provincial government.

Essex Border Utilities Commission may issue bonds for any enterprises which three or more of its constituent municipalities have authorized, such bonds to constitute a liability against it as well as against the municipalities which have approved the project, to the extent of the shares fixed for each in the report approved by them or in the decision of the municipal board on an appeal. Each such municipality must raise annually the amount necessary to meet its share of the interest and sinking fund charges in accordance with the apportionment scheme. A reapportionment may be had any time after two years from the time of the original apportionment, upon appeal by any municipality to the municipal board to the effect that the conditions have changed since that time. Should any municipality fail to pay the amounts due from it, the commission may sue for it. The cost of preliminary surveys and the general overhead of the commission are apportioned among all the municipalities in the district according to the number of representatives they have on the commission. The maintenance costs are apportioned in the case of each undertaking by the engineer of the commission after the completion of the work. Appeal from his apportionment may be taken to the municipal board. In the enterprises so far undertaken the following schemes of apportionment have been adopted: For sewer construction, one-fourth according to area, one-fourth according to capacity of the sewers allotted to each municipality for use, and one-fourth according to capacity multiplied by the length of the sewers for sewer maintenance, according to amount of sewage contributed; for filtration plan construction, according to consumption; for hospital construction, one-fourth according to assessed valuations and three-fourths according to population; for maintenance of board of health, according to population. In addition, each municipality is assessed for the costs involved in connecting its sewers and water mains with the sewers and water mains of the commission.

Loans Secured by Enterprises

So far as is known, only two authorities obtain or are expected to obtain the resources necessary for their enterprises principally from loans secured by these enterprises themselves; in other words by loans purely commercial or private in nature and not guaranteed by the taxing powers of a public body. In these cases the authority itself has no taxing power which it can pledge for the purpose, and is specifically prohibited from pledging the taxing power and credit of the state under whose laws it is set up, or of the municipalities by which it may have been brought into being. The two instances are the New York Port Authority and the Greater Vancouver Water District. The South Jersey Port Authority is also given power to make such loans, but has not exercised the power. As already pointed out this authority has other financial powers which it may employ. The provisions governing the financing of the first mentioned authority are as follows:

The Port of New York Authority may "borrow money and secure the same by bonds or by mortgages upon any property held or to be held by it." It has no power to pledge the credit of either state or to impose any obligation upon either state or any municipality except as and when such power is expressly granted by statute or the consent by any such municipality is given. Unless and until the revenues from its operations are sufficient to cover its expenditures, the legislatures of the two states shall appropriate for its administrative expenses such sums as may be recommended by the Port Authority and by the governors of the two states, but either state obligates itself only to the extent of $100,000 for study purposes in any one year,[6] and unless otherwise provided by the two states the Port Authority must not incur any obligations for administrative expenses prior to the making of appropriations adequate to meet them. The major part of the administrative expenses relate to the construction projects. Such expenses are met from the proceeds of bond issues.

[6] *Comprehensive Plan 8,* New York L. 1922 ch. 43; New Jersey L. 1922, ch. 9.

CHAPTER XVI

THE FUNCTIONING OF SPECIAL METROPOLITAN AUTHORITIES

A study of the results achieved by special metropolitan authorities may well begin by turning to the Boston metropolitan area. There special authorities have been employed for forty years and the forms of organization adopted have frequently been accepted as models elsewhere. The Boston area blazed the trail. Moreover, the special authorities there embodied certain unique features which should be described at the outset.

As stated in Chapter XIV, the present Massachusetts Metropolitan District Commission is the outgrowth of the mergers of three commissions, viz., the Metropolitan Sewerage Commission, the Metropolitan Water Supply Commission, and the Metropolitan Park Commission. The procedure today for initiating projects is the same as that prevailing before the mergers. A group of citizens desiring that some new service be undertaken may petition the legislature to authorize the commission to do the work, or if authority to execute the project already exists, the legislature may be asked to include the necessary funds in its appropriations to the commission. The task of the commission is to carry out the instructions of the legislature. Neither the governor nor the legislature is bound to seek the guidance of the commission in any matter or to act in accordance with its judgment.

The commission has no direct contact with the people. The commissioners are functionaries expected to take orders from the governor and the legislature and to furnish advice when requested. There have been forceful and uncompromising men among them, but these did not get along as well with the legislature as the more pliable men.

The several commissions established from time to time for the administration of sewerage, water supply and parks in Boston have efficiently executed the projects entrusted to them. Sanitary conditions in the region have been improved, the advantages of pure and cheap water extended to the suburbs, and one of the finest and most comprehensive metropolitan park systems in the country brought into being as the result of their work. No serious charge of mismanagement has ever been made against them. Their integrity has never been questioned. It is charged that the appointments of the commissioners in later years have not been so good as in the early days, men of relatively moderate ability and in some cases with distinctly political proclivities having been named. This has been due to the fact that in course of time, the work became of a routine character and therefore ceased to require or attract men of great ability, and to the fact that the legislature has tightened its control over these authorities so that they lost whatever degree of independence they originally possessed.

The city government of Boston has chafed under such state control. It has not regarded either the predecessors of the Metropolitan District Commission or that commission itself as agencies through which its needs could be well met. The smaller municipalities, however, have been content with the state control and have frequently requested legislation to fulfill certain additional needs through the district organization. They have come to look upon state control as a safeguard against domination by Boston. Such control has given them needed services for which they would otherwise have had to turn to Boston, probably at the price of surrender of local independence.

The management of the several activities entrusted to the commission has been fairly unified. Although at first three separate commissions were established—each for the performance of a different function—they possessed no independent powers. All were subject to one central authority—the legislature and the governor. Furthermore, they were consolidated in the end into one department as a part of a general departmental reorganization of the state government. Had these authorities been separate corporate bodies (such as the authorities in other cities) their consolidation would not have been accomplished so easily.

This scheme of state control has not resulted in any *rapprochement* between the municipalities of the district. They continue to act independently of each other. Their representatives do not come together to discuss projects affecting the metropolitan district as a whole or to develop some joint program for presentation to the legislature and to the Metropolitan District

Commission. Each goes its own way and brings those projects before the legislature in which it is particularly interested without much regard to what other municipalities are doing or whether its projects harmonize with theirs. The name of Boston was designedly omitted in the name of the metropolitan district to emphasize the state's rather than the city's interest.

Attempts have been made to bring about the creation by appropriate legislative action of a metropolitan council with equal representation of the municipalities, which would formulate projects, iron out differences, and generally make the desires of the district known to the district organization and the legislature. Although the functions of the proposed council were to be merely advisory, the proposal has not been acceptable to the suburban municipalities. They fear that the creation of such an organization may pave the way for the establishment of a body with power. Nothing, consequently, has come from these attempts to effect changes. Heads of many of the municipalities have even been unwilling to enter an informal conference with the mayor of Boston, fearful that such a conference might constitute an entering wedge to annexation or consolidation.

There is consequently no political organization today in the Massachusetts metropolitan district which represents the district, expresses the will of the residents, and fights for their interests before the legislature.

Is the Massachusetts District Scheme Democratic?

Some citizens of Boston and particularly its municipal officials contend that this scheme of government is undemocratic and contrary to home rule ethics. A severe arraignment on this score was made by a special commission appointed by the legislature in 1896 to investigate the question "of a general municipal administration for the city of Boston and adjoining municipalities." The commission said:—

> These boards have carried on their work in an admirable manner, but their creation by act of the legislature and the appointment of their members by the chief magistrate of the Commonwealth have constituted a wide and serious departure from the political principles upon which this state and nation are founded . . . . Is it not wiser and better to continue to follow our old traditional methods, rather than permanently adopt a new system of government, which resembles much more nearly the prac-

> tices that were established in France by the first Napoleon than those to which, from the earliest historic times, our race has steadily adhered?
>
> A system of metropolitan control which permits the legislature, representing the entire Commonwealth, to tax the people of the district not for state but for local purposes, and then, having deprived them of all but a fractional voice in the levying of the tax, decrees that the money shall be spent by those whom the payers of the tax have no voice in appointing and over whom they can exercise no control, is not a system which can be reconciled with the American political methods. That good work has been done under it is not an argument in its defense.

The issue of home rule in general has not the same vitality in Boston that it has in most other large cities and state control is not resented so bitterly as elsewhere. There are cogent reasons for this. The state of Massachusetts is relatively small and the metropolitan district contains more than half the population of the state. The state consequently has an unusually large stake in the welfare of the district. The state capitol is located in Boston. Even the rural legislators spend considerable time in the metropolitan district and become acquainted with it to some extent. It takes no more time for citizens of Boston to go to the capitol than it does to go to the city hall, the two office buildings being located at a distance of only two blocks from each other. Suburban residents often find it easier to transact business at the capitol, which is located but a short distance from their offices in the city, than at their local city halls, inasmuch as they are not in their home towns during the day. They often find in the capitol more competent men or, at any rate, men with greater power than the men in their own city hall. Under these conditions state government takes on a local character; and state control does not work as badly, nor is it as objectionable as if the state government were distant from the locality.

Results of the Massachusetts Schemes

Since the district scheme was first introduced in the Boston area in respect to water supply, sewerage, and parks (1889-1895) there have been but two extensions of the system in this region. One was the organization of an agency for metropolitan planning in 1923; and the other the formation of the metropolitan transit district in 1929.

The metropolitan commissions have tended to check annexations to Boston. Prior to their creation large territories were added to the city from time to time and proposals for consolidation were seriously considered. In the past forty years, however, but one addition to the city has been made—that of Hyde Park—and no proposal for consolidation has been seriously considered. The only comprehensive proposal for consolidation advanced since the introduction of the metropolitan schemes, which had anything like substantial support, was that made by the special investigative commission of 1896, referred to above. That proposal which represented the culmination of all the discussion of this question during the several decades preceding was not carried out. Had the district form of organization not been adopted, it is not impossible that some such consolidation as that proposed in 1896 would have been accomplished.

It goes without saying that this form of organization has not affected the city's low rating in the population census.

Critics have asserted that most of the constructive work of metropolitan authorities around Boston was accomplished in the early days of their existence. Indeed the authorities themselves had little part in the planning of projects which they now maintain since such projects were developed and determined before the authorities were created. The larger part of the plan of metropolitan parks was developed before the appointment of the park commissions or during the early years of their operations. The building of the Charles River basin improvement was entrusted to a special body and the park commission was charged only with its maintenance. Plans for a new water supply were formulated by the legislature through a special investigating commission. Even the construction of the new water works was entrusted to a special body, maintenance alone being the duty of the Metropolitan District Commission. Neither has this commission led in recent years in planning for an improved sewer system. The reason is believed to be the legislature's unwillingness to surrender discretion to the commission. Probably greater progress would have been made had the district commission been a local responsible body rather than an abject creature of the state. On the other hand, it must be noted that within the past few years the commission has become more active and that the Metropolitan Planning Division is assuming active leadership in the attack upon the planning problems of the region.

The new district transit organization represents a slight departure from the system of state control embodied in the older, regular district scheme, and may be viewed as a concession to some of the criticisms made of that system. The granting to the new organization of the status of municipal corporation and of independent powers of taxation and borrowing, the direct representation of the municipal government of Boston in the governing body of the district, and the establishment of a representative district assembly constituted of the heads of the municipalities and given certain powers (even though these are merely powers of advice to the legislature)—all these are innovations which indicate the possible drift of reform of the metropolitan district organization in the direction of local, district control in the future.

Chicago Sanitary Commission

The Chicago Sanitary Commission, as already pointed out, has existed for forty years. During the first part of this period the commission built the great channel and the sewers tributary to it. Next, it made extensions to meet the increased size of the city. Thereafter, it remained inactive for some years, attending merely to maintaining the works. Recently, however, it again became active in constructing a series of sewage disposal plants to put an end to pollution of the Desplains and Illinois rivers. Except for the recent controversy over the lowering of the lake its activities seldom, if ever, involved great public issues which have agitated the people of the district.

The members of the commission have invariably been men who were politically active. "It does not appear," writes a well-informed Chicagoan, "that the method of election of trustees of the Sanitary Commission has generally resulted in the choice of men well fitted for the district's work." Since no public issues are generally involved, the people vote ordinarily for the candidates of their party. As the office pays a substantial salary and affords considerable opportunity for patronage, politicians eagerly seek it. If they are in good standing with the organization they are named and elected to office without difficulty. Independent men seldom offer themselves as candidates.

The administration of the Chicago Sanitary District has recently caused extreme apprehension among many Chicago taxpayers. Auditors engaged by the Chicago Association of Commerce disclosed evidences of heavy payroll padding prior to elections and "payment of considerable sums to persons and firms whose names and addresses are similar to those of persons politically prominent" when important elections were pending. Records and account books were in poor shape. Proceeds of bond sales were spent for purposes other than those for which they were issued; and the legal requirement that all work costing more than $500 be let to the lowest bidder was evaded by issuing warrants for sums slightly under $500.

A special grand jury in January and February, 1929, confirmed the findings made by the auditors employed by the Chicago Association of Commerce. Extensive payroll padding for purposes of perpetuation of the political machine was revealed. The system of contract-letting was condemned as "provocative of fraud." The grand jury declared that practically all district contracts have been awarded to the "favored few," who have long been active in local politics; and reported that members of the legislature who were on the district's payroll frankly admitted doing nothing whatever although receiving "substantial pay."

The commission follows the same procedure which state or local legislative bodies generally follow. Its real work is done in committee behind closed doors, and at informal conferences.

The commission has experienced no difficulty in raising funds necessary for its projects. Its financial powers are large, and the people have voted bonds for its enterprises liberally. But its accountability to the people, as apparent from recent disclosures, is more nominal than real.

The creation of this organization has tended to complicate the government of Chicago. The addition of one more political unit has made it more difficult for the citizens to follow the work of the local government.

Passaic Valley Sewerage and North Jersey Water Supply Commissions

The Passaic Valley Sewerage Commission has existed for more than twenty-five years. It met with difficulties in getting started and accomplished relatively little during its early life. It was originally faultily conceived and consequently at the very outset of its operations ran afoul of certain constitutional provisions as before related.[1] By judicial decision it was left without power to raise money. It was found necessary to reconstruct it by new legislation before it could obtain financial support and proceed with its work. Moreover, soon after it began operation it became involved in litigation with the city of New York which objected to the discharge of the sewage of the Passaic Valley into the New York Bay.

The scheme of financing and organization which was adopted in reconstructing the commission was cumbersome and fruitful of delay. Each municipality had some special contention; their conflicting claims had to be reconciled before the commission could take a step towards executing the project. In 1908 a form of contract was submitted by the commission to the twenty municipalities who were to constitute the proposed district. Only fifteen signed it, the other five refusing to join in the project.[2]

The refusal of the five municipalities to join made it necessary to redraft the contract and modify the plans. The size of the projected sewer was reduced to keep its cost within what the fifteen municipalities were willing to bear. Actual construction was begun in 1912, ten years after the commission was organized. While construction was proceeding, all of the recalcitrant municipalities and one municipality not originally included in the district applied for admission. These applications made it necessary to enter into supplemental contracts and to secure the consent of all the already-participating municipalities to the admission of these belated applicants. This was done. The size of the sewer, however, could not be increased to the size originally projected, because much of the pipe had already been laid. The allotment of capacity to each participant was therefore reduced. New sewer connections had to be provided and other additional works undertaken for the benefit of the new participants. The work was completed and the system put into operation in 1924—twenty-two years after the organization of the commission.[3] Because of the failure of the five municipalities to join in the project at the outset, the sewer is of unduly small capacity. Embarrassments and additional expenditures which could have been avoided are consequently bound to result before many years pass. Though the composition of the commission was political, no scandal marred its work.

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[1] Page 264.

[2] Clemens Hershel, one of the leading hydraulic engineers in the country, commented on the experience with the scheme of organization of the Passaic Valley Sewerage Commission and the North Jersey District Water Supply Commission in the *Journal of American Water Works Association,* November, 1926, p. 536, as follows:

> The legislative draftsman, fertile in expedients, chose to disregard successful precedents, and . . . . apparently instigated by the devil, devised a new and novel scheme of finance, which is no doubt unsurpassed anywhere as to the delays of execution and the consequent extravagant cost of the works it attempts to construct. Briefly described, it endeavors to use the respective credits of the municipalities concerned by endeavoring to associate them in a voluntary partnership, having a commission as a mere commercial or executive agent. Twenty years of experience has shown the worthlessness of such a plan of action. The several partners change their moods and nature from year to year. Unanimous actions of these partners is frequently needed; grievious delays result; works that should be completed in four or five years take twenty to build; their cost is a multiple of what it should have been . . . . not withstanding such experience had for some ten years in the case of the Passic Valley Sewerage Commission when it became a question of supplying with water a group of municipalities, the same . . . . plan of legislation was repeated . . . . and ten years of experience with that act, has not changed the results found during the preceding ten years with the operation of the similar Passaic Valley Sewerage Act.

The North Jersey District Water Supply Commission also had difficulty in getting under way on account of the same cumbersome financial scheme. At first Newark alone was sufficiently interested in the project to be willing to go ahead at once. Paterson was interested but had misgivings. Several other municipalities were willing to consider the project but their needs for more water were not so pressing as those of Newark. They were therefore unwilling to be rushed into acceptance of Newark's terms and were likely to remain in a state of indecision for some time. To avoid delay in starting with the work, Newark proceeded to contract alone with the commission for the construction of the works and undertook to provide the necessary funds. It took upon itself the risk of the entire venture, in expectation that eventually the other municipalities would recognize the advantages of the scheme and would apply for admission. The signing of the contract between the city and the commission was delayed by litigation initiated by a private water company which objected to the scheme. However, the contract with Newark was signed on October 31, 1918, two years after the creation of the commission. Negotiations then were opened with the other municipalities looking towards a larger supply. By 1924 more than half a dozen municipalities had joined Newark and contracted with the commission. Each time an additional city expressed a willingness to join, a new allocation of water between participants had to be worked out, a new form of a contract drafted, and the negotiations with every one of the prospective participants started anew. In other words every such new application upset agreements laboriously arrived at after much controversy, and caused new controversy to arise.

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[3] See *Report of the Passaic Valley Sewerage Commission,* 1926, p. 57.

At the present time the commission functions chiefly as a local agency. Its offices are in Newark a few blocks away from Newark's city hall. Except during the time of legislative sessions, its officers have relatively little, if any, business to transact at the state house at Trenton. Its resources are raised and spent under the authority of a contract executed between specified local bodies. The state exercises no jurisdiction whatsoever over its budget. It makes no report of its activities to the state.

On the other hand, it functions in certain respects also as an agency or department of the state. Its members are appointed by the governor with the senate's consent. Its approval on behalf of the state is necessary to certain new or additional diversions of water within the district. The legislature may at any time change the law under which the commission operates, enlarge or restrict its powers or terminate its existence altogether.

Considerable public interest is displayed in the work of the commission, which is reported fully in the local papers. The chairman of the commission devotes much time to it. The chief engineer and the counsel are the commission's principal officials.

The major part of the project was completed, and water from the new supply was officially made available in March, 1930. The matter of a still greater supply which will serve the whole of North Jersey is under consideration and will have to be undertaken before long.

Because of the weakness of the financial structure of the Passaic Valley Sewerage Commission, the North Jersey District Water Supply Commission and any other district organization which might be established under existing constitutional limitations, a constitutional amendment was submitted to the electorate by the legislature which, if adopted, would have made it possible to vest such district organizations with the powers of borrowing and taxation. As originally drafted, the amendment extended to district authorities organized for developing water supply, sewerage, reclamation, and transportation systems but the legislature struck out transportation. The amendment failed of adoption by the people in November, 1927. It has been suggested that if a district commission were made elective it could be vested with the powers of taxation and borrowing by the legislature without violating the constitutional principles invoked in the Van Cleve case which involved the Passaic Valley Sewerage District. The counsel of the North Jersey Rapid Transit Commission in an opinion reviewing this case and other cases pertinent to the question shares this view.[4]

New York Port Authority

Although ten years have passed since its organization, with respect to port matters the Port of New York Authority is only now emerging from the stage of investigating, preparing plans and negotiating with railroads and other interests. The Authority has completed two bridges between New Jersey and New York under a special assignment to it by the legislature, and at this writing is building two more, but this work was not in execution of the immediate purposes of the Authority when it was created.

Little has been accomplished in establishment of contemplated port enterprises proper. Of the various projected works, only one belt line—No. 13, running on the New Jersey side of the port—has been completed. This belt line cost the Port Authority nothing, for the railroad tracks composing it already existed, the larger part being under the ownership of one large railroad. The Port Authority brought about the sharing of this facility by the roads on equal terms.

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[4] Opinion of Spaulding Fraser, counsel, in *Report of the New Jersey Transit Commission,* 1927, p. 140:

"By the creation of a district with boundaries coterminous with the outer boundaries of the taxing district included within it, by the imposition upon such district of powers adequate to effectuate transit relief, by the making of the exercise of such powers a compulsory duty and by the election of the officials charged with their carrying out, by the voters of the district, a political agency, free of the faults invalidating the original Passaic Valley Sewer plan, might well be capable of creation."

For several years the Port Authority endeavored to acquire the Hoboken Shore Railroad—a small terminal road serving the water front, acting as a feeder to Belt Line No. 13 and constituting a very important link in the plans of the Authority—but failed in its effort. The road was originally owned by one of the large railroads but was taken over by the federal government during the war, and its purchase consequently required negotiation by the Port Authority with the War Department. The railroads which originally owned it did not want the Port Authority to acquire the road. Hoboken, within whose boundaries the road was located, was also opposed to its acquisition by the Port Authority fearing that as Port Authority property it would continue exempt from taxation. It desired the road restored to private ownership and so made subject to taxation. It is not necessary here to review in detail the contest between the private interests and the Port Authority over the acquisition of this road. The Port Authority offered a million dollars; private bidders offered a larger sum; the Port Authority had difficulty in producing evidence of its ability to raise the million dollars offered by it; the War Department sold the property to the private bidders.

Another project, involving an inland union freight terminal warehouse, has been brought to a point at which construction can be begun. This terminal is to be erected on Manhattan Island at a cost of $15,000,000.

The negotiations of the Port Authority in the case of the Hoboken Shore Railroad and other projects indicated that the bankers were unwilling to lend money to the Authority to the extent of 100 per cent of the value of the property to be acquired by it. Consequently, when the legislatures of the two states decided to charge the Port Authority with the construction of bridges, they adopted a novel plan of financing. The two states pledged themselves to advance to the Authority from state taxes or bonds a sum approximating 20 per cent of the cost of the bridges leaving the Authority to raise the remaining 80 per cent by its own bonds. They further agreed that the bonds of the Authority should constitute a first lien on the property and that the advances made by the states should be subordinate to the lien. The first block of Port Authority bonds issued for this work was offered early in 1927 and was absorbed by the market at an interest rate slightly in excess of 4 per cent. This taking of the bonds at so low a rate was due to a combination of factors. Among these was the exemption of the bonds from federal and state taxation; the partial pledge of state credit to the enterprise, the profitableness of toll bridges in general, and consequent confidence in the ability of these bridges to pay for themselves.

Respecting the other projects, however, the Port Authority is still limited to the original financial plan. Its experience seems to show that its plan of financing public enterprises without aid from public sources has very substantial limitations, at least until the authority's credit is established.

Another significant development in the experience of the Port Authority is the marked tendency of the two states, and particularly New Jersey, to tighten their control. The adoption of the compact was followed, five years later, by the enactment of a supplemental law vesting a veto power over the actions of the commissioners in the governors of the respective states.[5]

Not content with this, the legislature of New Jersey passed an act in 1927 transferring the veto power from the governor to the state house commission. By this means control over the authority was passed into Republican hands. While the governor of New Jersey is frequently a Democrat, the two other members of the state house commission—the state comptroller and the state treasurer—are appointed by the legislature which is normally Republican.[6] A vigorous protest against the statute was entered by Governor Smith of New York. He contended that the act violated the provisions of the compact, would bring the validity of action by the authority into question, induce retaliating legislation, cause the stoppage of all work, spoil the good feelings which obtained between the two states and wreck the partnership evolved between them; and called for the repeal of the act. Somewhat grudgingly the legislature of New Jersey complied with his request.

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[5] Laws of New Jersey 1926, chapter 321; Laws of New York 1927, chapter 700.

[6] Curiously enough, this action of the legislature followed a complaint made by the Roebling Company of Trenton—the largest manufacturers of steel cables in this country that the Port Authority contemplated the adoption of eye bars instead of cables for the construction of the Fort Lee bridge with the result that the contract would be given to a concern outside the state of New Jersey.

The appointments made to the commission so far have been creditable. A definite movement is under way to extend the functions of the Port Authority to include the solving not only of the freight transportation problem of the district but also of the passenger transportation problem of the metropolitan area. Several authorities have been concerned with the latter, but each has only had jurisdiction over a section of the district. A bill was introduced into the legislature of each of the states directing the Port Authority to take up the problem. It was passed in New Jersey in 1927 but was not approved by New York. Meanwhile, the Port Authority is proceeding more or less informally with the consideration of the problem. As a first step to that end it organized in July, 1927, a board composed of representatives of the three local commissions and the several railroads operating commutation service.

In 1930, after some negotiations, an agreement was arrived at between the two states on merging the two bridge and tunnel commissions in the Port Authority, and acts carrying the merger through were passed in both states. The membership of the Port of New York Authority was enlarged to twelve—six from each state. The Port Authority assumed the management of the Holland tunnel and was directed to make engineering and other studies in regard to the construction of a new tunnel. A difficulty was encountered in the fact that the two states followed different methods of financing the Holland tunnel; New Jersey having financed its portion of the cost by issuing bonds and applying the revenue from the tolls to the debt service, while New York financed its portion by taxation and was getting its revenue from tolls free of any charges except for maintenance and applying a large part of them to the financing of the construction of the new bridge.

The merger act provides that the Port Authority shall hold one-half of the net revenues from the tunnel (after deduction of operating costs) as agent for the state of New York, and one-half as agent for the state of New Jersey, and shall from time to time pay over or dispose of the share of each state as may be required by the laws of each state. To the extent that the state of New York had theretofore directed the New York State Bridge and Tunnel Commission to make payments to the Port Authority in aid of bridge construction out of the share of that state in the revenues from the tunnel, the Port Authority is to retain such money from the share of that state and apply it to the purposes for which such payments were directed.

Cleveland Metropolitan Park Commission

The Cleveland Metropolitan Park Commission has concentrated its efforts and funds on the acquisition of land. The tax (one-tenth of a mill) which the commission was authorized to levy having proved insufficient, power was granted to levy an additional tax of the same amount, for ten years, and to borrow money in anticipation of its collections. When the needed land has been acquired, the authority will begin actual development. The plan of appointment by the probate count of the county has worked well.

East Bay (Oakland) Utilities District

The East Bay Municipal Utilities District of Oakland, California, and vicinity is of too recent origin to permit of appraisal. Its plan contains many interesting features. It is concerned at present only with constructing a water supply.

San Francisco has a great water project under way. According to the San Francisco view the East Bay municipalities should have joined with it in its enterprise. The view of the East Bay municipalities, however, was that they were advantaged by proceeding independently because San Francisco was involved in controversy with the private water company which was supplying her and because it would be many years before she would be able to complete her project. It was not until 1928 that the people of San Francisco approved the purchase of the private company and the prosecution of the Hetch-Hetchey project, which cannot be completed for several years.

Washington Suburban Sanitary District

The Washington Suburban Sanitary District has produced admirable results in a short space of time. The appointments made to the commission are generally conceded to have been good. Objection has been raised in some quarters that the charges and assessments made by the commission are high and that the commission consists of three men not elected by the people and yet vested with power to levy taxes, assessments, and other charges. Answering these objections, it is claimed that the charges are lower than those made by any other public body for similar services; and it is contended that the commission as composed is more businesslike and efficient than a commission composed of locally appointed or elected members would be.[7]

Niagara Frontier Planning Board

The work of the Niagara Frontier Planning Board is relatively simple; it possesses no governmental authority, and is purely a research and advisory body. Its financial problems are exceedingly simple and a small fund is sufficient for its work. Limited as it is to investigation and discussion, its power as an instrument of intermunicipal coöperation is small. Eventually, however, some authority will have to be created to execute the plans which it may evolve. It is futile to expect their execution by the several political units constituting the district, acting individually. What the form of the authority will be that will take over this work rests in the future. At this writing the fate of the board itself is in doubt. Erie County (Buffalo) declined to renew her appropriation for 1929 and the board did not consider it proper to accept Niagara County's grant. At present its expenses are being met by private contributors.

Portland Port Commission

The Portland Port Commission has had a somewhat checkered career. For the first ten years of its existence, 1891 to 1901, it was one of the most anomalous and irresponsible bodies known to contemporary local government. It was made up in 1891 of fifteen persons named in the act and these persons were given the power to fill all vacancies in the membership of the Commission—a power which was not taken from them until 1901. This self-perpetuating body was given the power to tax, to borrow money, to grant franchises for building bridges across the Willamette River (subject to the prior authority of the federal government), and many other fundamental powers. Its membership was dominated by a few "first families" who used their authority to favor their own business interests.

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[7] For an account of the accomplishments of the Washington Suburban Sanitary District and answers to its critics see pamphlet published by the commission, *Facts in the Form of a Catechism about the Washington Suburban Commission, October, 1926.*

Even after the legal changes of 1901 it continued to represent a limited number of business interests in the city, so that when the movement for the construction of public docks arose (as it did during the building of the Panama Canal and the hopes generated by that event) instead of adding the new functions to the Port Commission it was decided to create a new body, the Dock Commission.

Since the World War the Port Commission has risen in local esteem, so that the Portland business community has desired to combine the Dock and Port Commissions. The two commissions duplicate each other's work in the operation of dry docks and the regulation of the river adjacent to the public docks. Sentiment for their consolidation was very decided in 1920-1921. However, the legislature of 1921 at the behest of the eastern Oregon representatives inserted a provision in a law dealing with the Port Commission which required that body to spend $250,000 (of locally collected money) for dredging the Oregon slough. The stock men thought this would lower their freight costs. This act aroused the "home rule" sentiment of the city so that the proposal for the Port Commission to swallow up the Dock Commission is dead.

In 1926 an exciting episode occurred. The governor refused to reappoint the old commission. The legislature thereupon deprived the governor of the power of appointment and itself reappointed the old commission. The consolidation of the Port Commission and the Dock Commission is being urged in order that a more coördinated development of the port may be obtained and that whatever duplication exists in their work may be eliminated.

Indianapolis Sanitary District

The Indianapolis Sanitary District functions under supervision of the government of that city. The possibility of financing certain city services through the medium of the district outside the city's taxable limits has prompted the city to add new functions to the district. Thus the city secured the enacting of a statute authorizing the district, in addition to treating and disposing of sewage, to undertake the reduction of garbage—a service which had formerly been performed by a private company under a contract with the city—and to purchase the reduction plant of the company. In 1921, the city under another act transferred to the district the collection of garbage and ashes. The taxing powers of the district were increased at the same time so that it may now levy eight mills instead of .75 of a mill for maintenance plus amounts required for interest and sinking fund charges. The mayor and city council have veto power over the expenditures of the funds raised by the eight-mill tax.

Vancouver

The Vancouver and Districts Joint Sewerage Board has operated satisfactorily, although the wisdom of some of its features is sometimes questioned. Thus a former mayor of one of the municipalities in the district, who served on the board for some years, contends that the scheme by which the municipalities are represented on the board in all cases by their respective mayors or reeves is bad:[8]

> Because the operations of the sewerage board (are) very chiefly business which only engineers (are) capable of handling, and of which these men as reeves very seldom (have any knowledge) my recommendation would be, that instead of the reeves, automatically being appointed as members, the council as a whole appoint someone to represent them on the board; he might be a reeve, or he might be a councillor, or he might be a man picked from the ratepayers of the municipality for the knowledge he possessed of matters in which the board dealt. I think this is a very necessary change.

The following comment by the same former official is interesting since it runs counter to the common notion that an authority composed of representatives of municipalities must necessarily suffer from internal squabbles, each representative being concerned only with the interests of his particular municipality:

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[8] Letter dated June 10, 1927.

> All the municipalities have equal representation on the Vancouver and Districts Joint Sewerage Board, one member each. There never was in my time, nor have I heard of any quarrel between the municipalities on any question; the board operating to do all the work that was necessary with perfect unanimity. I have never heard representatives of the board press on the board actions taken by the respective municipal councils, but, on the other hand, municipal councils would rather retard the board's actions, that is, when they thought the board spent too much money; but as the board is independent of the councils, this protest was of no avail. There never was a serious protest, nor, as a matter of fact, is there likely to be if the board is properly constituted because undoubtedly they do work for the common good.

The appointment of the chairman of the board, by the provincial authority according to the same official, however,

> is a bad procedure. The chairman under whom I sat (now dead) did his best, but he was, frankly, a political appointee, he knew nothing about the business of the commission, and in my opinion the commission was seriously hampered while he was in control. His predecessor was also a political appointee, but of a different stripe (the government had changed), and I think this form of appointment is bad. I could not tell you how much power the chairman had because the extent of his power was never called into question; he always agreed with the actions of the board.

Though legally the sewerage board and the water board are independent bodies, in actual practice they have been to a large extent consolidated. On the request of those members of the sewerage board who were also members of the water board and with the consent of the water board, the provincial government appointed the chief commissioner of the water board to be chairman and chief executive of the sewer board. The two offices are now jointly operated. "There is no apparent control," writes one official, "of the water board by the provincial authority."

Winnipeg

The Greater Winnipeg Water District was organized in May, 1913. The plans of the new metropolitan water supply which it was to construct and operate were worked out very largely prior to its establishment by consulting engineers retained by the city. These plans were adopted by the board and a loan of $13,500,000 was authorized. The water supply was completed in 1919 so that at the present time, the board has relatively little to do and is merely maintaining the works. Each municipality manages its own distributing system.

Montreal

The Montreal Metropolitan Commission has been successful in its task of repairing the damaged credit of the suburban municipalities of Montreal. This task—involving the incurrence and management of loans on behalf of the municipalities—is performed with a relatively small expenditure of money. The administrative costs of the commission amounted to only $13,000 annually for the first six years. The operations of the commission have involved annual incurrence of or supervision over loans amounting to between three and four million dollars and the lending of money averaging $350,000 annually to municipalities for interest and sinking fund charges. With the exception of the city controller of Montreal and the representative of the municipal department of the provincial government, its members have uniformly been chosen from among the members of the councils of the municipalities included in its jurisdiction, and these councils have been free to cancel their appointments and make new selections. There is consequently a fairly close integration between the commission and the municipal councils in the particular sphere of work in which both of these classes of governmental agencies are concerned. An enthusiastic commentator on the Montreal plan writes:[9]

> The success of the Montreal Commission is due very largely to the representative character of its members and its officers. The membership remains practically the same as when the commission was established, so that there has been from the first a continuity, an understanding and coöperation impossible to an ever changing body. The officers are highly efficient and imbued with a keen sense of their responsibilities and the opportunities for constructive work that a new undertaking gives.

The operation of the scheme, in the judgment of this writer, has proved the practicability of a federated form of government in the Montreal district. A foundation for the extension of that plan to other governmental functions has, in his opinion, been laid. He says:

> Ever since its establishment the commission has realized that its work is very much of an experiment. Consequently, its members have been more concerned in laying sound foundations than in building up a mushroom superstructure that might readily fall.

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[9] Frederick Wright, former editor of the Canadian Municipal Journal, in an article entitled "The Montreal Metropolitan Commission" in the *National Municipal Review,* Vol. XVI, p. 437.

> In this the commissioners have shown wisdom, but now that the foundation has been proved to be strong enough to support a complete borough system for the metropolitan district of Montreal, it has been suggested by thoroughly competent students that the commission be made the basis for such a system. This may be brought about by gradually adding to the powers of the commission in proportion to its capacity to absorb them. There is no reason for instance, why the Montreal Metropolitan Commission should not be empowered to prepare a comprehensive plan for the whole Island of Montreal. This, so far as the commercial metropolis of Canada is concerned, is an interborough problem of vast importance, which can only be taken up successfully by an authoritative body having the right to tax for such a purpose.

The Essex Border Utilities Commission

This commission has accomplished much good work—work which would never have been accomplished by the municipalities themselves acting individually.

At the end of the first ten years of its existence, the commission had three major projects to its credit—the construction of an intercepting sewer, the construction of a filtration plant, and the organization of a board of health; and was about to begin a fourth—the construction of a general hospital. Some headway has also been made in city planning. In the first and third projects, six of the eight municipalities participated, in the second and fourth all eight joined.

The construction of a hospital had been under consideration for several years. Two referenda were held on the question, one municipality rejecting the proposal in the first referendum; in the second referendum all were in accord. For each project, a different scheme of apportionment was devised.

The jurisdiction of the commission over platting covers a definite area fixed by the Ontario Railway and Municipal Board but in general extends five miles beyond the boundaries of the incorporated municipalities. Acting under these powers the commission prepared a plan of major roadways and boulevards to which property-owners were obliged to conform and has secured the dedication of land for almost all the highways embraced in the plan. It could not, however, proceed with actual construction involving expenditure of money without first submitting the project to the vote of the people. Such a submission was contemplated at the time of the preparation of this report.

The procedure which governs the authorization of projects is rather cumbersome. Much time usually elapses between the time a project is first advanced and the time its execution begins, and there is frequent controversy over the scheme of assessment proposed for its financing.

The scheme of organization of the commission, which combines representation of the municipal governments with the popular election of commissioners, represents an interesting innovation. Whether it is sound and whether its fault, if any, lies with the representation of the governments or with the popular election of the commissioners remains to be seen. The elective members of the commission have been non-political.

The relations between the commission and the city government of Windsor have not always been particularly cordial. In fact, controversy between them has developed on several occasions. Those who are inclined to blame the city council of Windsor for these conflicts would broaden the power of the commission and make it independent of control of the city government. Others, who side with the city government or are officials thereof, would do away with the elective membership of the commission and compose the latter entirely of mayors and members of the city councils and only then would grant the commission independent powers. Still others believe that there is no justification for the maintenance of two duplicate or rival sets of governments in a territory which embraces only twenty-five square miles, with a population of 120,000, and which can be traversed in an automobile in thirty minutes and in a street car in an hour. They would do away with the commission altogether and consolidate all the municipalities in the territory into one city. Indeed, one government, that of Windsor, embraces 65 per cent of the population of the district. One such advocate of consolidation says of the commission that it is like a pad on a corn. It relieves the pain, but does not remove it.

The advocates of a greater Windsor complain of the poor population rating which the city receives in the census and of the inefficiency and wastefulness of a scheme under which eight governments are maintained in a small area of twenty-five square miles which in reality constitutes one city. In the absence of any popular move for amalgamation on the part of the smaller communities the commission provides some means for carrying out joint projects until an actual merger takes place.

Proposed Plan of Regional Government in New Jersey

A comprehensive plan of regional government in the several urban and rural sections of New Jersey has recently been proposed in that state. The plan was prepared by a special commission appointed by the legislature and was incorporated in a bill, introduced in the legislature of 1930. The measure was not acted on in that session but will be resubmitted, perhaps in modified form, to the next legislature. It represents in many respects an improvement on the plans of metropolitan and regional government so far put into operation in New Jersey and elsewhere.

The state of New Jersey, according to the proposal, was to be divided into four regions: Northern (composed of eight counties), Delaware Valley (three counties), Southern (six counties), and Atlantic (four counties). This in itself was a novel feature and is an improvement on the plan embodied in the 1915 act for water supply development which comprehended the division of the state into two districts—northern and southern. The northern and southern districts were to be organized immediately upon the passage of the act, because of the "large and rapidly growing population and the immediate need to provide major works in said districts." The other two districts were to be organized only with the approval of the voters in a majority of the counties in the district, at a referendum held when the boards of freeholders of at least one-half of the counties composing the district so determine.

The proposed districts were to have the status of municipal corporations, the bill specifying that "the residents of the regional districts . . . are respectively constituted bodies politic and corporate." They were to have independent taxing and borrowing powers and were to be governed each by a commission elected by the residents. Thus the weaknesses in the legal status and financial powers of the Passaic Valley Sewerage Commission and the North Jersey District Water Supply Commission were avoided.

The commission in each case was to consist of as many members as there are counties in the district. Each member was to be elected by the people of his county for four-year terms and receive a salary of $5,000, except the chairman of the commission (elected by the other members) who was to receive $6,000. The commission was to appoint an executive officer.

Each commission might engage in regional planning, might acquire, construct, and operate public works or utilities affecting more than one municipiality or county and of a nature which any municipality or county may establish or maintain. It might make rules and regulations governing the operation of any such works or utilities and the furnishing of any supply or service in connection therewith and fixing the rates and/or charges for any such supply or service; and it might contract with any public or private body or person for any services developed or required by the district. By thus defining the commissions' powers the act established them on a very broad basis—much broader than that which could have been secured by any enumeration of them. The commission was also empowered to exercise the right of eminent domain, but not as regard to properties owned by other public bodies. It might acquire such properties only with the consent of the counties or municipalities owning them.

Each commission was empowered to allocate to the entire district costs of works or debt benefiting the entire district, and to any municipality or county or portion thereof costs of works or debt specially benefiting such municipality, county, or portion thereof. It might borrow on the credit of the district to a total net amount of 2 per cent of the assessed valuation of real estate in the district; levy a general district tax up to one-twentieth of a mill for administrative expenses, and a tax in any amount for debt service; impose special assessments, incur temporary loans in anticipation of revenues including special assessments and permanent loans.

The commissions were to prepare an annual budget before levying taxes and were made subject to the supervision of the state department of municipal accounts, just as any municipal corporation or county in the state. All lands owned by the district were made taxable for state, county, and municipal purposes, but all improvements and personal property so owned were to be exempt from such taxation.

The significant features of the plan which marked it as one of the most advanced plans of a special metropolitan authority were its simplicity, elasticity, freedom from restrictions, democratic basis, broadness of conception as to powers, and a truly regional character.

Success of Special Agencies

What general conclusions can be drawn from this review of the experience of the various special metropolitan authorities, as to the value of this form of integration of government in metropolitan districts?

First it is necessary to concede that these organizations have proved on the whole effective in the execution of specific projects. Except in a few instances in which they were organized in a particularly ineffective way and without the necessary means of financing, they have proceeded promptly to the work entrusted to them and brought it to an early conclusion. The fact that in most cases they were concerned with some one particular project permitted them to prosecute their tasks with singleness of purpose and to develop fully the specialized technique necessary for success.

How effective have they been beyond that? How successful have they proved as agencies for the administration of the enterprises established by them and for detecting the needs and fixing a public policy with regard to them? How have they functioned, in other words, as continuous agencies of government, determining as well as executing public policy? It must be admitted that in this respect they have been less successful.

In most instances, they have had little to do with determining public policy regarding the execution of the projects entrusted to them. Generally they were brought into existence when, after years of agitation, most of the controversial questions of policy had been settled and the execution of particular projects had been definitely approved by state or local legislative bodies. In the few instances in which this has not been the case and in which measures of policy were yet to be settled through the offices of these organizations—such as the instances of the Passaic Valley Sewerage Commission, the North Jersey District Water

Supply Commission or the Essex Border Utilities Commission—they have not discharged the task well.

What of the situation that exists after the original or initial projects have been completed, when maintenance becomes the sole preoccupation of the commission? In this respect these authorities are very different from municipalities, which have a great number of functions in their charge and some developmental work nearly always under way. Being limited to the routine of maintenance, the commissioners and their staffs lose the sensation of participation in constructive work. Interest and enthusiasm wanes. Men of ability cease to be attracted by membership on the board or commission and mediocre men take their place. The tendency is for the commissioners and their staffs to recline in their chairs and slumber.

As the years pass the enterprise maintained by the commissioners begins to prove inadequate and obsolete. Large additions to it must be built. Large parts of it must be completely replaced. But the commissioners continue their regular routine. Perhaps they do not see what is going on or consciously refuse to move. They are comfortable as they are. They do not wish to invite trouble by stirring up agitation. Their attitude commonly is: Let the legislature or the city councils which possess the power to amend take the initiative, formulate the project, argue it out with contending groups, and direct the commission to proceed.

Influence on Public Opinion

Generally speaking, the special metropolitan authorities have not been effective in the important function of consolidating the public opinion of a metropolitan area. Most of them in fact have definitely refrained from the attempt. In addition, the term "district" as expressing a political entity has failed to stir public imagination or the sense of loyalty as the words "city," "state" or even "county" do. In a word, the "district" does not express the average citizen's idea of a community. Whatever the explanation, the significant fact about these organizations is that in most cases the public opinion of the territory under their jurisdiction consists of as many separate political cubicles as before they were established.

Influence on Governmental Organization

The integration of one activity of local government under a special regional authority has done little to hasten the integration of other activities performed by the individual political units. Few of the larger authorities have reached out for additional functions. Certainly the authorities of Chicago and of the Massachusetts district have not done so. The Port of New York Authority accepted the duty of constructing bridges only because it had hit an impasse in its own work. It has been reluctant to accept the mandate from the legislature to take on the transit problem. The authorities of Cleveland, Seattle, Portland, and North Jersey have not sought to go beyond the original scope of their functions. Most of these authorities feel that they have enough to do, as things are, and that to take on more work would only add to their troubles; that if they should extend themselves too widely and become too powerful, they would very likely become objects of attack.

On the other hand, any tendency towards the establishment of new metropolitan authorities for the performance of other functions in the same district is checked by the fear that a multiplication of such authorities will complicate the government of the district and lead to trouble. This fear is entirely justified. Experience shows that these authorities, once established, tend to perpetuate themselves. To consolidate them into one authority is difficult. At least two or three great park boards of Chicago were established originally as special metropolitan authorities extending far beyond the boundaries of the city. Chicago grew and eventually absorbed the outlying fringes, but the park boards continue as separate entities and efforts to consolidate them have invariably failed. The Passaic Valley Sewerage Commission and the North Jersey District Water Supply Commission serve very largely identical municipalities. Much can be said in favor of their consolidation. But such consolidation is not yet in sight.

The creation and operation of the special metropolitan authorities has retarded the process of annexation or consolidation of municipalities in the district. Whether this should be put down to their credit or added to their debit, depends upon the point of view and also upon the conditions in the particular district.

No improvement in the census rank of a central city can be expected from the introduction and operation of this scheme. By postponing annexations and consolidations, the scheme is likely to perpetuate and accentuate the unfavorable showing made by the city in the census reports. This has been particularly evident in the cases of Boston and Windsor.

Relative Merits of Certain Forms

State control, which has been a feature of some metropolitan authorities, has produced certain bad results. State politics now and then interfere with the proper solution of the district problems. Legislators from outside the district, unfamiliar with its affairs and sometimes antagonistic to it, occasionally hold up action intended for the district's benefit. Even legislators elected from within the district may be remiss in their duties to it, for its affairs constitute but a part of the state affairs with which they are concerned.

The authority itself, as has been observed in the case of the Massachusetts commission, being removed from the people whom it serves, may become arbitrary or bureaucratic. The municipalities drift further apart. Even the Massachusetts district, in which state control is less objectionable than it has proved elsewhere, has shown these tendencies. It is recognized by many there that the metropolitan district is merely a makeshift and not a permanent solution of the problem. Thus the Massachusetts metropolitan district scheme cannot be accepted as the best theoretical solution for other regions.

The selection of good men by election seems even more difficult in the case of these special authorities than in the case of city or state governments. The reason is that their activities are usually so restricted and so technical in character that the people are little interested in their work. Still, with the notable exception of the Chicago Sanitary Commission, selection by election has not been a conspicuous failure.

Undue enthusiasm need not be entertained for the appointment of commissioners by the state executive or some other superior power. Experience of several authorities with this method shows that, viewed over a substantial period of years, good and bad appointments succeed each other, depending on who happens to be governor at the moment. This method does not necessarily secure a non-political commission. The appointive commission may be as political as an elective commission although the external manifestations may not be alike.

Ex officio representatives of the constituent municipalities or appointees of city councils have in several instances—particularly in Canada—been satisfactory. But the experience with this form of organization has been too limited to permit any safe conclusion as to its merits when tried on a large scale.

The element of federalism found in some of the authorities described holds considerable promise. But it cannot be said to have been worked out yet in a consistent manner. Federalism as represented in the organization of the Passaic Valley Sewerage Commission and the North Jersey District Water Supply Commission—with the members appointed by the state, the powers derived from contracts between municipalities and the funds furnished by the latter—is too imperfect to constitute a model. Certainly to be effective, the authorities must have a freer hand than is provided under most of such schemes. Independent powers of borrowing and taxation, fortunately already possessed in some instances, are indispensable.

Special metropolitan authorities have distinct limitations. They are essentially a makeshift. They do not offer a conclusive answer to the problem of integration of government of metropolitan areas.

CHAPTER XVII

NEW YORK CITY'S BOROUGH PLAN

The government of the city of New York, or Greater New York as it was called at the time of consolidation and in the city charter, is a unique form of metropolitan organization. Created as it was for the administration of what was then nearly the entire metropolitan region of New York, it must be regarded as a form of metropolitan organization. The fact that the region today extends far beyond the boundaries of that "Greater New York" must not be allowed to obscure the essentially metropolitan nature of Greater New York's government, as originally established.

It represented an attempt at the organization of a metropolitan territory on the principle of maintaining side by side a central, common government and semi-autonomous local subdivisions. But the effort in that direction was very mild. Centralization was carried so far and borough autonomy allowed so restricted a sphere as to make the scheme inconsistent with true principles of federalism. The consolidation embodied in the scheme was of a dual nature. It combined, on one hand, all the political divisions of the territory in one "greater city," and united, on the other hand, given groups of such divisions into new, larger subdivisions, or "boroughs," of the greater city. It was both a general or regional and a sectional or subregional consolidation. The borough governments were constituted in a most peculiar way. They were provided with single heads who exercized the duties both of a borough mayor and a borough council, and who were tied up to the central government of the greater city in an unprecedented manner.

Combining as it does different principles of governmental organization, New York City's "borough plan" does not lend itself easily to classification. It will be treated as a form of metropolitan organization akin to and yet distinct from the "federal plan" discussed in the following chapter. A study of its features and of the modifications which it has undergone under the pressure of new conditions and an appraisal of its strong and weak points will furnish a suitable introduction to the study of the federated scheme.

Origin of the Borough Plan

During the years that the arguments for a Greater New York were being debated in the New York metropolitan district, the form of the governmental organization of the proposed consolidated city received relatively little attention. The charters drafted by the Consolidation Inquiry Commission and introduced in the legislature in 1891 and 1892 provided for the concentration of the various municipalities under a single administration without any local autonomy whatsoever. It was believed that the interests of the various municipalities would be amply safeguarded through their representation in the municipal council of the new city. The suggestion for the organization of the new city along new lines was advanced, apparently, only after consolidation had been definitely determined upon by the legislature and when the representatives of Brooklyn and other places in self-defense became active in devising a form of government for the consolidated city.[1]

By an act of May 11, 1896, all the municipal corporations enumerated therein were consolidated and provision was made for the appointment of a commission to prepare a charter for the consolidated city. Until the charter was enacted the existing local governments were to be continued.

The commission was given no specific direction as to how the charter should be framed except a mandate to provide for "an equal and uniform rate of taxation throughout the whole territory of the enlarged municipality." The act, remarkable for its brevity and clarity, provided that nothing therein was "to affect the boundaries and the governments of the counties."

On February 18, 1897, the commission adopted a charter draft and report and submitted them to the legislature. It is apparent, from the public utterances of the commissioners, that "all of them yielded something of their personal convictions in order to reach a common ground and agreement."

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[1] For the city-county consolidation features of the plan see Chapter X.

Inasmuch as the charter had been made a Republican party measure under the influence of Senator Platt, its passage in the form in which it was introduced was issured. On March 25 it was approved with only insignificant changes by both houses by a party vote. It was then submitted to the mayors of New York, Brooklyn, and Long Island for approval. To the surprise of all, Mayor Strong of New York City, who had signed the report of the commission, disapproved of the act. Mayors Wooster and Gleason, however, approved. The legislature then repassed the charter, disregarding Mayor Strong's disapproval, and it became effective on January 1, 1898.

Outline of the 1898 Charter

In preparing the charter the commission considered the existing charters of New York and Brooklyn and endeavored to preserve those features which seemed consistent with the requirements of the consolidated city. The influence of London is seen in the adoption of the term "borough." The basic problem was to constitute a unified city with a strong central government, reserving, in a measure, the local autonomy of the political divisions. The commission said:

> Having thus effected the consolidation of the several municipalities into one city with a central government, supreme upon all subjects, it remained to provide for that measure of home rule essential to the convenience and development of the various sections of the city and to the care and attention to each neighborhood and community. It is clear that the work of administering all of the departments over so large a space of territory situated on three islands and partly on the mainland must be subdivided in order to be successfully done.

The charter provided for a central government composed of a municipal assembly of two houses, a board of estimate and apportionment, a board of public improvements, a mayor, a controller, and various executive departments and boards. The city was divided into five boroughs "which nature and history had already formed," viz., Manhattan, Bronx, Brooklyn, Queens, and Richmond, thus retaining historic names. Each borough was given a borough president, elective by the people of the borough. Mayor Gleason urged the charter commission to set up Long Island City as a separate borough but his proposal was rejected. Power was given to the municipal assembly to "subdivide these boroughs still further in case of need." Various boards for local improvements were set up in each borough, but the right to incur indebtedness and to authorize improvements was reserved to the municipal assembly. In this manner a degree of local autonomy was provided for the boroughs. Each borough was divided into wards. The five towns and all the incorporated villages in Richmond County were abolished and each town was designated as a ward of that borough. The city of Long Island and each of the four towns of Queens County included in the new city were legislated out of existence and transformed into wards. Power was given to the municipal assembly to change the boundaries of the wards from time to time.

The upper house, or council proper, of the municipal assembly was made to consist of twenty-nine members, one of whom, the president, was to be elected at large, and the others elected by districts. Manhattan was given twelve councilmen, Brooklyn nine, Bronx three, and Queens and Richmond two each. The lower house, or board of aldermen, was composed of sixty members—one from each assembly district. Each administrative head of a department was given a seat on the board of aldermen with the right to participate in its discussions but not to vote. Care was taken that the various subdivisions incorporated in the new city should as far as possible have direct representation in the legislative body. It was originally intended that the board of aldermen should consist of eighty-nine members, but the legislature reduced the number. The two houses of the municipal assembly were given equal legislative powers. Each was expected to act as a check upon the other.

The board of estimate and apportionment was composed, as theretofore, of the mayor, the controller (whose office was elective), the president of the council, and two officers appointed by the mayor—the corporation counsel and the president of the department of taxes and assessments. In this way the mayor controlled three of the five votes of the board. Its powers in budgetary matters, however, were somewhat reduced. Whereas, prior to consolidation, the function of the city council with respect to the budget was purely advisory, now the municipal assembly was given power to reduce the items in the budget submitted by the board of estimate and apportionment. Also a five-sixths vote of both houses could now override the mayor's veto.

The board of public improvements was a new feature of the city's government. It was borrowed from the charter of the city of St. Louis, and was made up of a president appointed by the mayor and of the heads of the six executive departments concerned with public improvements (water supply, highways, street cleaning, sewers, public buildings and lighting, and bridges). The mayor, controller, corporation counsel, and the five borough presidents were made ex officio members. A borough president could participate in the discussion, but could not vote except on a question exclusively affecting his borough. All public improvements were first to be considered by this board and if reported favorably by it were to be acted upon by the municipal assembly. If the board reported unfavorably, the municipal assembly could authorize the project only by a five-eighths vote of both houses and the approval of the mayor. It was believed essential that public works in so large a city should be "primarly controlled by expert and administrative authority . . . . so that they may be developed and distributed upon a fixed plan yielding the greatest service to the city as a whole; producing coöperative uniformity; and . . . . designed and constructed obediently to the highest attainable scientific agencies." The board was to function as an "expert body" and it was hoped "that on the subject of public improvements it will prove to be as important an agency in securing careful consideration and systematic and safe action as the board of estimate and apportionment (had) proved itself to be on the side of the city's finances." Thus four bodies were established in the city, each acting as a check upon the other.

Extensive powers were conferred upon the health, police, park, fire, dock, and building departments to the exclusion of the legislative body. Furthermore, it was provided that almost every modification of existing ordinances affecting these departments must originate with the department concerned and must be adopted or rejected by the municipal assembly without amendment. The department heads were given power to fix the salaries of employees. This worked further to complicate an already cumbersome scheme of government.

The term of the mayor was fixed at four years, with a prohibition upon reëlection. The large powers exercised by the mayor under the New York and Brooklyn charters were retained. Most of the heads of the executive departments were to be appointed by him and his veto power was preserved. He was allowed to remove any one of his appointees during the first six months of his term.

The Borough Presidents and the Local Improvement Boards

A degree of local autonomy was attempted by various devices. First, by providing a president for each borough, to be elected by the people of the borough, who might be removed by the mayor on charges with the governor's approval, and who sat on the board of public improvements and performed specified local duties. Second, by establishing in each borough two or more local improvement boards. Third, by establishing in each borough a school board responsible for the management of the schools of the borough.

The preliminary draft of the charter provided for an elective board in each borough charged with duties relating to local improvements. But this degree of local autonomy was rejected by the draft committee, which believed that there should be but one source of legislative authority in Greater New York.

In each of the twenty-three local improvement districts into which the city was divided, a local improvement board was set up, composed of the aldermen of the district and the president of the borough. All public improvements financed wholly or in part by special assessments were to be taken up first by the appropriate local improvement board and, if accepted by it and by the borough president, were to be submitted to the board of public improvements and to the municipal assembly for approval. Final control of all local improvements was thus retained in the central agencies of the city.

The drafting committee was willing that the functions of mapping unmapped territory and initiating local improvements should be in the hands of officers responsible to the locality, but believed that all public works of whatever character in all parts of the greater city should be under the charge of the proper departments of the greater city. To allow each borough president to control all public works within his borough would mean disintegration rather than consolidation. Such a plan, the committee said, would compel the greater city to furnish the money to each locality for use as it saw fit. It would prevent unity of development and would destroy the advantage of skilled oversight and control which consolidation was to bring. The principle was adopted that the "control of all public works of any kind should proceed from the center and should be executed by the agents of the city as distinguished from the agents of the locality."

Centralized Departments with Local Branches

Although the important administrative activities were centralized in city departments, each headed by a commissioner or board appointed by the mayor, department branches were established in the boroughs. Every department was to set up a Brooklyn branch, but for the other boroughs branches were ordered only in some instances, and in others were left to the discretion of the head of the department. Each branch was placed in charge of a deputy commissioner or officer. In each borough, buildings were to be provided in which the office of the borough president and borough headquarters or branch offices of city departments were to be located. A close contact with local conditions was thus sought.

The department of parks was placed in charge of three commissioners, one of whom was to exercise jurisdiction over the boroughs of Manhattan and Richmond, one over Brooklyn and Queens, and one over the Bronx. The department of buildings and the department of public works were likewise placed in charge of three commissioners and organized along borough lines. The main offices of these departments were established in Manhattan with branch offices elsewhere.

Schools

The administration of public schools was divided between a board of education serving the entire city with jurisdiction, principally, over the school plant and purely business functions of school administration, and four borough school boards charged with the actual work of education in their respective boroughs. One board was to cover two boroughs—Manhattan and Bronx.

The board of education was to appoint a city superintendent of schools, a superintendent of school buildings, a superintendent of school supplies, a secretary, and other officers, and was to organize branches of these offices in the various boroughs. The borough school boards in their turn were to appoint borough superintendents of schools, associate borough superintendents, and principals of schools on nomination of the board of borough superintendents, and appoint and promote teachers on such nomination. Power was given them to select school sites and transmit their recommendations to the board of education; and the safe-keeping of all school premises and property was delegated to them. They were empowered to establish grades and fix the salaries of school officers. They were to submit their budgets to the board of education to be in turn consolidated into a city-wide budget for review by the board of estimate and apportionment.

The local school boards were to be appointed by the mayor. Their size varied. The number of members in Manhattan and the Bronx was twenty-one; in Brooklyn, forty-five; and in Queens and Richmond, nine each. The city-wide board of education was to be composed of nineteen members recruited from the members of the borough school boards, as follows: the chairman of the four borough school boards; ten members of the Manhattan and Bronx board, chosen by that board; and five members of the Brooklyn board to be selected by that board.

The budget for the entire school system was to be prepared and adopted in the first instance by the board of education on the basis of the estimates submitted by the boroughs. This budget was then to go to the board of estimate and apportionment and then to the municipal council for final adoption.

Courts and County Government

All city courts, district courts, and justices of the peace of the consolidated cities and towns were consolidated into one municipal court of the city of New York; the justices composing it remained elective, as they are today, and were named municipal court justices. They formed a board of justices and elected one of their members president. All inferior courts of criminal jurisdiction were transformed into one magistrates' court, the judges thereof being appointed by the mayor, as at present.

The organization of the territory into counties was retained, the consolidation act specifically providing that the county system should remain undisturbed. Nevertheless, all powers of county legislation and administration, in so far as such powers did not conflict with the constitution and the state laws, were vested in the municipal assembly and in certain administrative departments or officers of the city. Thus, for instance, the duties of the county treasurer were vested in the controller of the city. The framers of the charter went as far in consolidating the city and county governments as they believed the constitution permitted.

Enlarged Powers of Self-Government

The city's powers of self-government were materially enlarged. It was empowered "to establish ferries; to build bridges over and tunnels under all waters within its domain; to build docks and improve the harbor of the entire city; to construct parks, schoolhouses, and public buildings; to open streets and extend them; to provide water and also the means of securing easy, cheap, and rapid communication by ferry and railways between all parts of the great metropolis." The city was also empowered to issue bonds for any purpose within specified limitations and subject to the constitutional debt limit. Theretofore it had been required to secure authorization from the legislature in each case. Consistent, however, with the idea of establishing "checks and safeguards" it was provided that bonds could be issued only if approved in each case by a two-thirds majority of both houses of the municipal assembly. The debts and sinking funds of all the communities consolidated in the city were pooled and their interest and sinking-fund requirements were made a charge "upon . . . . Greater New York . . . . to be discharged by the city as if they were its original obligations."

All assets were consolidated, and provision was made for uniform rules of assessments and equal taxation of property throughout the city. The only difference in tax rates permitted in the boroughs was the difference caused by the varying costs of the county governments.

The charter, as above described, bore upon its face evidence of haste in preparation and marks of compromises made in the attempt to overcome local reluctance to yield the taxing power to a central authority. It was soon found to be cumbersome in its provisions and inadequate to meet expanded needs or to direct and control on-rushing events. It was promptly realized that the charter "would not march."

Revision of the 1898 Charter

Agitation for the revision of the charter began almost immediately after its adoption. Its framers did not defend it, and contented themselves with saying that they had done all that was possible under the limitations of time imposed upon them. They joined with the critics in the request for charter revision. In 1900, three years after the passage of the charter, a statute was enacted appointing a commission to survey the situation. The soundness of many of the criticisms was recognized by this commission, which said:

> The "checks and safeguards" which it was thought necessary to place upon the action of the various municipal bodies are so numerous and the powers of legislation are so minutely subdivided and so widely distributed that it has proved extremely difficult and often impossible to secure prompt results upon other than routine matters. Our effort has therefore been to facilitate local legislation, to simplify the government machinery, and to remove some of the impediments to effective action.

The commission's report to the legislature was accompanied by a draft of a revised charter. While the revision wrought certain changes, it was based fundamentally upon the charter of 1898. The central government was simplified. Further centralization was brought about in certain directions and decentralization in others. The lines between centralization and decentralization were drawn with greater discrimination. The germ of federalism launched in 1897 and incorporated in the charter of 1898 was developed a step further. The revision, as proposed by the commission, was enacted in 1901.

The 1901 Charter

The bicameral scheme having proved obstructive, the upper house of the municipal assembly was abolished and ordinance-making powers were lodged with the aldermen, subject to control in certain matters by the board of estimate and apportionment. The city-wide board of public improvements was also eliminated as inconsistent with the plan of autonomy for the boroughs in matters of public improvements.

The board of estimate and apportionment was retained, and the various administrative departments were divested of the legislative discretion which they had previously possessed. The membership of the board of estimate was completely reorganized and its powers were increased. It became the most important administrative body of the city, possessing in addition wide legislative powers which have been increased by subsequent amendments to the charter. The charter provision under which two officers who received their appointment from the mayor were members of the board was abrogated. The board was now made up entirely of elective officers, the five borough presidents being substituted for the two appointive officers, thus increasing the board from five to eight members.

In the board of estimate and apportionment so reconstituted, the three officers elected at large were given three votes each, the presidents of the boroughs of Manhattan and Brooklyn two votes each, and the others, one vote each; thus giving the officers elected at large nine votes out of sixteen and "assuring to them the control of the board." By thus combining in one powerful body locally elected officers with officers elected at large a unique integration of a centralized government and of local governments was achieved. The controlling considerations leading to such a set-up were expressed by the commission which drafted the charter as follows:

> The fact that the board of estimate and apportionment was given the power (under the new scheme) to disapprove the decisions of local improvement boards and to determine the amount of money to be expended out of the treasury of the city in public work in each borough made it proper that the boroughs should have a direct representation on the board. But in adding the borough presidents to the board of estimate another question required consideration. If they were to possess a voting power not only equal to that of each other but also to that of the other members of the board, they might together control its decisions; and this would mean that the financial control of the city would pass from the officials who are not directly interested in the spending of the city's money to officers at the head of great administrative agencies, and charged with the duty of spending large sums in the development and improvement of the particular localities they were elected to represent. It therefore seemed essential that the total voting power of the five borough presidents should be less than that of the officers elected from the city at large; and it was not thought just to give to the representatives of the smaller boroughs an equal vote with the presidents of the two great boroughs of Manhattan and Brooklyn. What should be the representation of the

> different elements in the board of estimate and apportionment has been one of the most difficult questions which the commission has had to answer.

The board of aldermen was continued as a large body, in the belief "that the larger the body the more difficult it will be to influence it improperly" and because a numerous body was necessary for the maintenance of the local improvement boards. The aldermen were to be elected as before by districts. The president of the board of aldermen (the former president of the municipal council) was to be elected, as before, at large. The power of the board of aldermen in budgetary matters was continued practically unchanged; the board being allowed to reduce, but not to increase, items in the budget presented by the board of estimate and apportionment. Its action was subject to veto by the mayor, whose veto could be overriden only by a three-fourths vote.

The Power to Issue Bonds

The procedure for issuing bonds for financing public improvements was also simplified. The power to authorize such bond issues was transferred to a large extent from the municipal assembly to the board of estimate and apportionment. It was said that the procedure by which each proposed bond issue must be approved by a two-thirds vote of each branch of the municipal assembly was "justly subject to much criticism" since a small minority, prompted by ulterior motives, could obstruct bond issues even when they were designed to pay lawful creditors, a situation that had in fact occurred. The revised charter vests in the board of estimate and apportionment alone the power to issue bonds in all cases where no real discretion as to such issues is involved, i.e., in cases of the refunding of existing issues or the paying of awards in condemnation, and also in a few cases where experience shows that money must be borrowed yearly, as for the construction of schoolhouses, docks, and the extension of the water supply. "If the city is to grow," declared the commission, "much work must be done and if the questions were to be submitted year by year to the board of aldermen for its approval, the issuance of bonds might be unnecessarily delayed without any compensating advantages." The new provision enables the city to proceed without protracted delay in constructing certain types of public works for which bond issues are essential.

Where bonds are required for financing improvements of an unusual nature, the revised charter provides for what is in effect a veto power by the board of aldermen upon the board of estimate and apportionment by requiring the concurrence of the board of aldermen in the authorization of such bonds.

Increased Centralization under the Mayor

The powers of the mayor were generally enlarged, and the powers of the borough presidents were broadened in certain particulars. The restriction upon the mayor's power to remove officers appointed by him was wiped out, and the power of removal at any time conferred. The mayor's veto power was left intact. His term of office was reduced from four years to two (later legislation restored the four-year term). The provision prohibiting the reëlection of the mayor was eliminated.

In minimizing "checks and safeguards" and in centralizing power in the board of estimate and apportionment and the mayor, the commission considered that the increased powers vested in the board of estimate and apportionment, the stringent provisions relative to the mayor's power of veto, and the provision that every head of a department shall have a seat in the board of aldermen[2] constituted adequate safeguards "against reckless or improvident legislation."

Some Increased Borough Autonomy

The revised charter extended the sphere of borough government by dividing certain administrative branches each into five departments or bureaus, and placing the department or bureau for each borough under the borough president, with heads appointed by him.

Accordingly it was provided that the following city-wide departments be abolished: the department of highways, department of sewers, building department, department of public buildings, department of lighting, and department of supplies. Their functions were transferred to the borough presidents, under whom corresponding local departments or bureaus were set up.

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[2] Heads of departments are still empowered to sit with the board of aldermen but without the right to vote. They must attend meetings when ordered to do so by the aldermen.

The powers of the borough presidents were thus increased and these officers assumed new importance. Each borough president became responsible for the following work within his borough: the construction and maintenance of sewers and highways; the construction and maintenance of public buildings, public baths, and comfort stations; the making of topographical maps; and, in the boroughs of Queens and Richmond, the cleaning of streets and removal of garbage and other wastes. In the board of estimate and apportionment, the borough presidents were given a voice and vote in all matters coming before that board and were no longer limited to a vote on improvements exclusively affecting their respective boroughs.

The local improvement boards were retained with power to initiate certain types of local improvements, the expenses of which were to be met wholly or in part by special assessments. Resolutions of local improvement boards go to the board of estimate and apportionment for final acceptance or rejection. In certain cases, however, in which the local improvements are to be financed in part by city contribution exceeding a specified amount and in part by special assessments, the approval of the board of aldermen must also be obtained. After approval by the central authorities the works are executed by the borough presidents.

The local improvement districts were made permanent "so that district neighborhood feeling may be maintained and promoted." The existing boundary lines, which followed closely the boundary lines of the senatorial districts, were retained and it was provided that these boundaries "shall not be changed with the periodical apportionment of senatorial districts." Furthermore, the districts were given names of towns and municipalities existing before consolidation.

While the revised charter enlarged somewhat the sphere of local autonomy, no independent financial powers were granted to the boroughs. All expenditures, whether made for the entire city or for the boroughs, and all revenues to be raised are voted by one central body—the board of estimate and apportionment—subject to the limited juridiction conferred upon the board of aldermen.

The administration of the park department by three commissioners—one in charge of the boroughs of Manhattan and Richmond, one of Brooklyn and Queens, and one of the Bronx—was continued. The three commissioners made up the park board which adopted rules and decided matters of policy to insure unity in park management throughout the city. Later legislation increased the park board to five members and gave each borough a representative thereon.

Reorganization of the Government of the Schools

The revised charter fundamentally reorganized the scheme of school management provided by the charter of 1898 by which the board of education, operating for the entire city, had charge of physical plant and business affairs, and the respective borough boards controlled matters strictly educational. The commission declared this scheme impracticable because business policies and educational policies are of necessity closely interrelated. The commission which revised the charter said:

> Unfortunate conflicts of opinion between the board of education and some of the school boards have resulted from the present system and they seem to be inevitable so long as there exist within the department of education independent administrative bodies charged with the ultimate responsibilities in relation to interdependent functions. . . . Another unfortunate consequence of different systems of administration in the several boroughs is found in a lack of uniformity in educational results attained. There is no uniform course of study. Pupils in one borough may not move to another without the possible loss of a grade in their course. No power now exists to compel the several borough school boards to assimilate their course of study . . . . On the whole the present system has been cumbersome and unsatisfactory in operation.

Hence the borough school boards were abolished, and a board of education of forty-six members (since reduced to seven) appointed by the mayor was put in complete charge of the educational system.

At the same time some concession to local interest in schools was made. The city was divided into forty-six (now fifty-four) districts. A school board was formed in each district, consisting of seven members—five appointed by the borough president, one a member of the board of education designated by the president thereof, and one the district superintendent assigned by the city superintendent. These local boards have the power of visitation of schools previously exercised by school inspectors; they hear all complaints against teachers in the first instance and exercise other advisory powers. They exist as a partial offset to centralization of power in the board of education.

Objections to the Revised Charter

The revised charter was opposed by the city administration but was enacted notwithstanding their protest. A summary of the objections advanced by Mayor Van Wyck may not be without value to those who may be called upon to frame a charter for a metropolitan city.

The mayor directed his fire in the main against the "revolutionary change" in the composition of the board of estimate and apportionment, saying in part:

> The title of borough president . . . . under the proposed charter is most misleading, since those officers are in every sense of the word commissioners of public works . . . .
>
> The charter makes the borough president the head of a department, one bureau of which is the building department, and another bureau of which covers public works . . . . The head of the building bureau is called a superintendent and the head of the other bureau is called commissioner of public works. Both are appointed and practically removable at the will of the borough presidents and both are therefore practically deputies.
>
> Officers charged with the expenditure of large sums for public works should not sit in the board of estimate and apportionment, whether they are called by the name of borough presidents or by any other name whatever and whether they come from a borough or from the city at large.

He reminded the legislature that Boss Tweed had been responsible for placing the mayor, controller, commissioner of public works, and president of the park board upon the original board of estimate and apportionment and thus turned "the making of the budget and the issuing of the bonds over to four officers . . . . through two of whom the largest expenditures for public works were made." "Tweed," said Mayor Van Wyck, "thought so well of his creation that he had himself appointed as the commissioner of public works." When Tweed was exposed, continued the mayor, it became necessary to adopt a new charter changing this scheme. The new charter excluded from the board of estimate any officer who "had any direct interest in spending any money for public works or public improvements." This principle, said the mayor, had been retained in the charter ever since and it was unwise to change it now. "The experience of the past," he said, "is disregarded" in the new charter. The scheme, he warned, would result in wastefulness and extravagance.

The abolition of the borough school boards was, in his judgment, "a radical move in the wrong direction [bound] to destroy all local interest . . . . [and] practically to exclude the people from all management of the schools." The city superintendent of schools under the revised charter "is made an autocrat." The so-called local school boards "are simply shadows of the former school boards, utterly devoid of substance and authority."

Charter Revision Since 1901

In the main the structure of the government of Greater New York established by the acts of 1897 and 1901 remained unaltered during the following thirty years, although agitation for a further thoroughgoing revision of the charter has been carried on intermittently during the entire period. Such changes as have been made in it were in the direction of greater centralization.

Thus in 1907 a legislative commission was created, known as the Ivins Commission, which reported in the same year in favor of a new charter differing radically from the one in force. This commission was reappointed in 1908, and submitted in 1909 a report and a draft of a charter to the legislature, which followed substantially the lines of its previous draft. The report held that the division of the function of planning among the five borough presidents had resulted in the complete absence of a city plan. A minority report, embodying the point of view of the borough governments, was also presented. A legislative committee was next appointed, known as the Hammond Committee, which submitted a proposed new charter to the legislature in 1910, together with a report disapproving of some of the recommendations of the majority of the Ivins Commission affecting the borough governments. In 1911 the city authorities themselves prepared a charter, known as the Gaynor Charter, and had it introduced in the legislature in the Cullen-Foley Bill. During Mayor Mitchel's administration, City Chamberlain Bruére prepared a plan of a new organization of the city government, which was, however, never submitted to the legislature. The next important attempt at charter revision was that of the charter commission created by a legislative act of 1921, which submitted to the legislature in 1923 the so-called "Home Rule Charter."

Nearly all the proposed charters called for greater centralization of government and for the exercise by the city of wider powers of home rule, and provided to that end for the enlargement of the powers of the board of estimate and apportionment, the board of aldermen, and the mayor. Several called for far-reaching changes in the organization of the board of aldermen, such as election of its members under a scheme of proportional representation and reduction in its size, with a view to making it a more representative and effective body. Some called for the transfer of certain administrative functions performed by the borough presidents from these officers to the central government of the city; for the creation to that end of centralized departments of engineering, street control, and building supervision, and the extension of the jurisdiction of the street cleaning department to the boroughs of Queens and Richmond, in which the street cleaning work was still being performed by the borough governments; and (Ivins Charter) the centralization of the planning function in an advisory board to be established under the board of estimate. The fact that the borough presidents who are "spending officers" participate in the making of the budget was also criticized. None of the charter-drafting bodies proposed that the government of the city be further decentralized or that the field of borough autonomy be enlarged. The furthest that any charter commission or any minority thereof went in these directions was merely to recommend that no curtailment in the powers of the borough governments be effected.

None of these proposed new charters was enacted. However, some of the changes proposed by them were incorporated later in separate measures and enacted into law as such. The changes in the city charter thus made had the effect of further increasing the importance of the board of estimate and apportionment in the government of the city. Suffice it only to mention the act of 1905 transferring to the board of estimate many important powers previously exercised by the board of aldermen over streets and other public places of the city, including the power of granting franchises; and the acts extending the board of estimate's authority in the matter of authorization of bond issues. One of the important changes in the organization of the city took place in

1917, when, by the enactment of a state-wide law, education was made a state function; the school system of the city was taken practically out of the city's control; and the size of the board of education was reduced from forty-six to seven members.

The outstanding change in municipal organization came about as a result of the adoption in 1923 of a constitutional amendment granting to all cities wider powers of home rule, and passage, in 1924, of the City Home Rule Law carrying out the provisions of this amendment. The state legislature is thereby permitted to legislate on matters pertaining to the "property affairs or government of cities" only by means of general laws. It is forbidden to pass any special laws applying to particular cities in these matters.[3] It is still allowed, however, to pass special laws applying to particular cities but referring to other matters than those of the "property, affairs or government of cities." The cities are definitely empowered to pass local laws relating to these matters; and their municipal councils, boards of aldermen, and city commissions are specifically designated as local "legislative bodies." The board of estimate and apportionment is definitely recognized by the City Home Rule Law as the second branch of the municipal assembly. The powers of both the board of estimate and apportionment and the board of aldermen have been greatly enlarged under these acts by the fact that they have been given the power to pass laws on matters on which formerly the legislature of the state alone could legislate. All cities are allowed to amend their charter. New charters may be adopted under the following procedure: The municipal council may submit to the people of the city for a vote the question whether to create a commission to draft a new charter; in case of a favorable vote, a charter commission is elected; the commission then prepares a charter which is submitted to the people for a vote, and if approved by them becomes effective. A provision is also made in the City Home Rule Law by which laws of the municipal assembly may be submitted to the people for ratification either at the option of the municipal assembly or on a petition by the voters.

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[3] Only in the event of a message from the governor declaring that an emergency exists may special legislation relative to a given city be passed, and then not unless it receives the concurrent vote of two-thirds of the members of each house of the legislature.

In June, 1928, the City Committee on Plan and Survey, appointed by Mayor Walker, recommended, among other matters, that certain changes in the organization of the city government be made, some of which would affect the relation between the central government and the borough governments. The committee urged the establishment of a city plan commission which would prepare a master plan and also subsidiary plans of major public improvments and advise the board of estimate upon them. It recommended the establishment of a department of buildings composed of a commissioner from each borough, appointed by the president of the borough, thus providing for at least a partial consolidation of the building bureaus of the boroughs. It recommended furthermore the transfer of the work of street cleaning in the boroughs of Queens and Richmond from the borough presidents in these boroughs to the city's street cleaning department; and it approved in principle the establishment of a single department of engineering, including all the engineering forces of the city, leaving further consideration of this matter to the proposed permanent commission on city plan and survey.

This program has been carried out in part. Under a local law approved by the people in November, 1929, street cleaning and the construction and maintenance of intercepting sewers, sewage disposal plants and incinerators for the entire city territory were all consolidated in a sanitation commission of three persons appointed by the mayor. The sphere of borough autonomy was to that extent curtailed.

A bill to transfer the rather rudimentary work of planning now performed by the borough presidents and board of estimate to a city planning commission, to which wider powers of planning would be granted, was introduced in the legislature of 1929, but failed to pass because of the opposition from the borough presidents. A somewhat milder measure, establishing a one-man planning department to act in an advisory capacity, was introduced by the mayor into the municipal assembly in 1930, and was enacted as a local law.

There has been some agitation in favor of a complete separation of the borough presidents from all administrative functions. But such a separation, unless executed in a way which would still leave these administrative functions in the borough governments or compensated for by an expansion of the legislative functions of these governments, would sound the death knell of borough autonomy. Nothing has so far come of this demand. Generally, agitation of this nature has followed the discovery of some flagrant maladministration by borough presidents of borough affairs.

Effects of the Borough Plan on the Development of the Consolidated Territory

Consolidation and the establishment of the new governmental organization opened a way for great metropolitan developments within the consolidated territory. The rate of operation of previously existing forces was accelerated and new forces were brought into play. The expanding needs of a rapidly growing population required additional public improvements and facilities of communication between component parts of the metropolitan district. Before consolidation, political red tape, dual responsibility, and conflicting governmental agencies had made their provision difficult. Consolidation cleared the way and acted as a stimulus to the early execution of important projects. Thus, a new era was entered upon in the construction of bridges, subway, and tunnels, the provision of high-speed municipal ferry service, and the improvement of port facilities. Provision was made for extending and bettering the water system in the new territories and for an increased and unified water supply for the consolidated territory. Progress was made in the construction of schools in the rapidly growing sections of the territory which before consolidation were not adequately served by school facilities because of lack of resources, and improved police and fire protection and similar services were extended to outlying districts.[4]

Step by step with these improvements came a more rapid absolute rate of increase in the population of the consolidated territory, and especially a wider population distribution, marked by an accelerated rate of exodus from Manhattan. With improved facilities of communication, industries now found it advantageous to locate in some of the outlying sections instead of in Manhattan, thus further accentuating the trend toward decentralization of population. Brooklyn, in particular, began to develop into a borough of industries, whereas previously it had been preëminently a city of homes. The commercial importance of New York increased more rapidly than would have been the case without consolidation. Hand in hand with the movement toward distribution of the dormitory population came an increase in the daytime importance of Manhattan as the commercial, educational and amusement center of a large area. Thus, daytime congestion in the streets and transit facilities of Manhattan was increased by the operation of the same forces which stimulated distribution of the sleeping population.

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[4] For a more detailed description of these developments see Chapter VII above.

It is true that the progressive extension of city services to outlying unimproved sections of the boroughs was carried forward without comprehensive fact-finding and consequently upon no well-conceived plan. Various municipal services—streets, water, sewers—were extended into unimproved areas long in advance of any prospect of their development within a reasonable future period. This entailed waste. Sewers, for illustration, were laid, it is true, in the expectation that the cost would be met in large part by assessments for benefits. It frequently happened, however, that the speculative developers who originally requested the improvement were not the owners of the land subject to assessment at the time the assessment was levied. The burden of assessment proving too great to be borne by the new owners, who had been deluded by word pictures which had no foundation in fact, they appealed for and obtained relief from the assessment. City police and other like services were provided in rural sections much in advance of reasonable need.

Undoubtedly much of this waste and extravagance could have been avoided by better planning and control. But this shortcoming while detracting from the accomplishments of consolidation does not negative them altogether. Even though guilty of extravagance, the new governmental organization by facilitating the various developments mentioned aided appreciably the trend toward a wider distribution of population and added much to the comfort and well-being of the population.

The Merits of the Plan

Consolidation of government, under the acts of 1897 and

1901, was carried to a point conducive to the speedy development among the people of the territory of a "city consciousness," community feeling, and unity of civic action. The structure of government brought into being was simple, elastic, and in its most immediate workings effective, and was responsible to a large degree for the remarkable record of accomplishments cited above. The relative paucity of changes suggested or introduced in it, during the following thirty-two years, shows its essential soundness. The abolition of the twenty odd political subdivisions into which the territory had until then been divided and the establishment in their place of five "boroughs" of more or less commensurate size and strictly limited importance was an ingenious device, the wisdom of which has never yet been brought into question.

The central organs of the government were admirably integrated. The board of estimate and apportionment, that pivotal point of the entire organization, transplanted with some modification from the government of the old city, was well conceived. The smallness of its size, the key positions held by its members in the administrative and legislative apparatus of the city, the vastness of the powers with which it had been endowed, the semi-legislative, semi-administrative character of these powers—all these features conspired to make its operations relatively free from internal friction and to make of it one of the most effective agencies of administration of a large metropolitan territory in the world.

The centralization of the general administrative functions in the mayor and of the financial execution in the comptroller, according to precedents likewise, though not so completely, established in the government of the old city, gave great strength to the entire scheme and made possible the effective operation of the huge executive apparatus of the central government. Subsequent experience has confirmed the wisdom of reposing confidence in these central agencies of government.

Borough autonomy or decentralization was allowed in a measure sufficient to placate existing local pride and to enlist local interest in the government of the new city, and yet not so exaggerated as to permit sectionalism to interfere with the work carried on in the general interest. It is significant that all the changes made in the organization of the greater city under pressure of popular demand since consolidation have been in the direction of the further centralization and unification of government and dimunition of the sphere of borough autonomy. No responsible citizen has as yet proposed changes in the opposite direction. Subsequent developments have thus confirmed the essential soundness of the plan. Had it provided for a less complete consolidation and for the retention of the old political divisions as autonomous organizations in the scheme, or had it endowed the boroughs which it had established in their place with a larger measure of autonomy, there can be no doubt that it would have been less successful. Sectional feelings would have had a freer rein, work would have proceeded less smoothly, and there would have been less accomplishment.

The relative ease with which the framework of the government can be changed to meet new conditions and new powers added to it, has been one of its most admirable features. Under the original arrangement, the authority to amend the charter was vested in the legislature. With the grant of home rule to the cities of the state, the authority to do so became automatically vested in the people of the city and, in minor matters, in its legislative body. Neither the revision of 1901 which corrected the mistakes of 1897, nor the other later improvements of the plan would have been possible under a more rigid system of amendment involving formal approval by the individual localities combined to form the greater city.

The observations so far made in this discussion as regards the effects and merits of this plan have had reference to its operation within the territory which at the time of its inauguration largely constituted the New York metropolitan region. Considered in this application, the plan has been found to be an unquestionable success. But there is another important relation in which the operation of the plan must be considered. We have in mind its operation in relation to the much larger area which is the New York metropolitan region of today. Considered in application to a metropolitan region as a growing area, the plan does not appear to be a success. Its jurisdiction has not been increased as the region has expanded. Its application has not been extended to the New Jersey sector of the region nor to the new sections in the state of New York, nor does it seem likely to be extended to them in the near future, if ever. Enthusiastic supporters of the plan contended at the time of its inauguration that before long North Jersey, Westchester County and Nassau County would be brought into the city's fold as new boroughs. But these prognostications have proven false. The status of a borough of the city of New York under the present system would not satisfy these districts and its application to North Jersey would not fit easily into the scheme of interstate jurisdiction.

The borough plan has proven an admirable form of government for a fairly compact and homogeneous metropolitan region, but incapable of easy or automatic extension to new and more loosely attached sectors of a highly diversified and ever-growing metropolitan area. The metropolitan region has outgrown the jurisdiction of the plan, and the problem of unification of its governmental organization must be faced anew. The borough plan is inapplicable to the new situation. Therein lies its defect.

CHAPTER XVIII

THE FEDERATED CITY

Under the "federal" form of metropolitan government the constituent municipalities are not completely merged but continue to exist as separate entities exercising a degree of local control within their boundaries. To this form of organization the term "federated region" or "federated city" has been applied because of the rough analogy to national federations or federated states.

The term, of course, is not scientifically accurate and has nothing to do with the question of sovereignty. It suggests, however, a distribution of powers between the whole and the parts, which is the basic idea underlying this newer form of metropolitan organization. While it is difficult to define the border line between federated and centralized metropolitan governments, New York City is generally considered to be not of the federated type since no legislative discretion is vested in any borough or local agency. Although the five boroughs enjoy a limited degree of administrative autonomy, the central government remains as the sole source of legislative authority. On the other hand, the distinguishing feature of the plans with which this chapter is concerned is the division of legislative discretion between the central government and the localities, together with the survival of a considerable amount of administrative autonomy in the constituent parts. By the same tokens the administrative decentralization applied to Greater Berlin in 1920 does not make the enlarged city a federation, since legislative discretion remains exclusively with the central government.

The establishment of a "federated city" was discussed in Boston in 1894. It was proposed but rejected in Alameda County, California, (Oakland and vicinity) in 1922, and in Pittsburgh in 1929. It is today a subject of practical interest in St. Louis, Cleveland, and Boston. It is a concession to the deep-rooted desire for local independence in the suburbs, offered as a compromise to those who oppose the complete extinction of their local governments. It also provides a means of escape from threatened state control or government by special metropolitan commissions. Many elements of such a system have been in operation for many years in Greater London.[1]

Boston Proposals of 1896

In 1894, when two district commissions were engaged, under the direction of the state legislature and the governor, in the execution of projects in metropolitan Boston, and a third was about to be established, an act was passed authorizing the governor to appoint a commission of three members to investigate forms of metropolitan organization. The commission was particularly directed to consider two possibilities: (a) that of establishing for the metropolitan district . . . . a general government with limited powers . . . . allowing each municipality (in it) independence in local affairs, but conferring upon the general government authority in matters which could be administered to better advantage by a general government;" and (b) that of "uniting such cities and towns into one municipality by annexing them to the city of Boston."

In a memorandum to the commission, Osborne Howes, a member who had made a special study of London and Paris, summarized his conclusions as follows:

1. That consolidation or annexation is desirable when two or more distinctly urban districts are closely joined together in social, commercial and political interests.
2. That it is not desirable to consolidate or annex large sections of distinctly rural territory, or districts where the social, commercial and political interests of the people are not common.
3. That it is of commercial advantage, other things being equal, that a city be a large rather than a small center of population.
4. That, in order to exhibit evidence of growth in population a city can afford to compensate liberally the out-districts that agree to become parts of it.
5. That it is questionable whether with a representative form of control the best municipal administration can be expected from a strictly centralized government, when a city has a million or more of people.
6. That under such circumstances it may be desirable that there should be some form of local government, carried on by those who appreciate local needs, and who are in touch with the people of the different localities.

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[1] The subject is also allied, in part, to that of special metropolitan commissions inasmuch as these bodies, too, may embody elements of municipal federation.

7. That, in order to have these local governments efficient, and draw into their service the best and ablest men of the different localities, the largest possible degree of dignity and responsibility should be accorded to them.
8. That, in deciding the question of whether a public service should be localized or centralized, the burden of proof should rest with the advocates of the latter proposition.
9. That no system of government can be considered satisfactory over which the people have not a direct control, through representatives chosen by and responsible to them.

The report submitted by the commission to the legislature of 1896 is in many respects a classic. It opposed both annexation and state administration through so-called metropolitan commissions. It recommended the establishment of a government combining centralized jurisdiction in certain matters with local autonomy in others, after the model of Greater London. It conceded that each city or town in the Boston metropolitan district "has its own peculiar local needs and aspirations, which are known to its own people much better than they are or can be known to those who live outside its borders." The commission said:

> The comfort and happiness of a citizen, so far as these are determined by governmental action, are frequently much more immediately dependent upon the small than upon the large incidents of official administration . . . . It is obviously easier and more satisfactory for him to bring his grievances of this class, when he has them, to the notice of his neighbors who constitute the local authorities, than it would be to wait in the anteroom of some head of a department at the city hall in Boston, and afterwards endeavor, in a brief interview with an unknown and overworked official, to establish the justice of his complaint.

The commission proposed a rearrangement of county boundaries and the transformation of Suffolk County and parts of Essex, Middlesex, and Norfolk counties into a new metropolitan county to be known as the county of Boston. This county was to be governed, not by three commissioners as the counties in Massachusetts were then governed, but by a large county council somewhat similar to the ancient New England county courts and to the new English county councils which, too, were reassertions of an old and long-unused form of control. A great and growing community, it was believed, needed a large county council so that its various component units would be directly represented.

Several alternative plans were proposed for the composition of the county council. They were as follows:

1. Under one scheme the county council was to be composed of two groups, viz., local officials and representatives at large; the first was to be constituted of the mayors of the cities and the chairmen of the boards of selectmen of the towns, and of additional representatives to be taken from the board of aldermen of the large cities in the ratio of one representative for each 50,000 or fraction thereof of population—an arrangement under which Boston would have had eleven councillors, Cambridge and Lynn three each, Somerville two, and the other municipalities one each. The second group was to be composed of elected representatives—ten, fifteen, or twenty in number—to be known as associate members, not municipal officers, who were to be elected at large either by the first group itself or by the general vote of the people for terms of three years. This was to be done in order that the council should not be a purely official body and should have a certain continuity of service.

2. Under another plan the councillors were to be elected by the respective cities and towns, the larger municipalities to have a proportionally larger representation.

3. Under still another plan, the council was to be constituted as in (2) above except that each municipality, irrespective of size, would be represented by but one councillor.

4. A fourth method proposed was to elect councillors from representative districts.

5. Under another alternative, the council was to be composed entirely of the state senators and state representatives elected to the legislature from the metropolitan district.

6. The sixth suggestion was to elect sixty councillors at large by vote of the entire district and to retire one-third of them annually.

7. A final proposal was the election of councillors apportioned to each municipality on the basis of assessed valuations.

The city council was to take over the functions being exercised by the metropolitan sewer commission, metropolitan park commission, and the metropolitan water commission. The council was also to assume from time to time "when an evident need arose . . . . with the permission of the legislature . . . . other duties that were undeniably of a metropolitan character," such as "the maintenance of the main highways or great business roads which pass through two or more municipalities and . . . . possibly questions of metropolitan transportation as well as the care of the rivers and water courses and questions of surface drainage where the interests of two or more towns were affected." The executive head was to be a president elected by the council.

The commission took up the objection that the proposed form of county organization would fail to give Boston credit for a larger population, which it needed to secure recognition as a great commercial center, and said:

> The union of these interested communities in some well-defined local form of control will give to the world that knowledge of their collective importance which it cannot have so long as they are politically as independent one of the other as though they were located a hundred miles apart . . . . All would realize that, in the main essentials of social and industrial union and political organization, this was one community, and was kept locally separated only for administrative purposes.

The commission did not deem it necessary to outline the proposed plan in great detail, but merely asked that the legislature pass a brief bill calling for a referendum by the people of the district on the question, "Shall a new county be formed of the cities and towns which make up the metropolitan district?"

To meet the objection that the vote of two or three of the larger municipalities or the vote of Boston alone might overwhelm the possible opposition of the smaller communities, the bill required for the adoption of the proposition a majority of affirmative votes in a majority of municipalities and a majority of votes in the entire district as well. If a referendum taken in this manner proved favorable, then under the terms of the bill, the governor was to appoint a second commission to report to the legislature a plan of county government with authority over matters which were general rather than local in character, to provide

> in the form of a bill, a method of county government for the metropolitan district, this to include the powers now exercised in the said district by existing county officers, whether exercised concurrently with other boards and officers or otherwise, as well as those now vested in the metropolitan sewer commission, the metropolitan park commission, and the metropolitan water commission, together with such other public duties as in the opinion of the said county commission are general rather than local in their character. The method of county government thus prepared shall consist, so far as its legislative functions are concerned, of a county council, in which reasonable representation shall be accorded to each city and town in the said metropolitan district.

The bill calling for a referendum did not pass the legislature. Formidable opposition came from county commissioners and officials of the smaller municipalities. The civic bodies of Boston were lukewarm. Yet there are some people in Boston who believe that of all the plans ever advanced for the government of the metropolitan district, this one is the best.

Since the failure of 1896, various schemes have been discussed for bringing the Boston area under one rule, if for no other purpose than to secure a more favorable population rating in the census. As we go to press, Mayor Curley announces the appointment of a committee to make another study of the situation and suggests that the London borough scheme again be considered as the solution of Boston's difficulties.

A Federated City-County Government for Alameda County—1922

About the year 1910, agitation began in Oakland, California, to consolidate the city and county governments. Because the smaller municipalities in the county objected to being "gobbled up by Oakland" under the usual form of city-county consolidation, the Tax Association of Alameda County proposed a modified city-county consolidation under which the municipalities would continue to exist as part of a federal system.

In 1916, an outline of a charter was prepared by the Tax Association and submitted for discussion.[2] The proposed charter purposed to constitute a "city-county of Alameda" which would be a federation of the eleven municipalities in which each of the municipalities would have the status of a borough. This city-county was to exercise "all powers conferred upon cities by the laws of the state and also all powers conferred upon counties and upon cities and counties" and also such appropriate powers as were not specifically prohibited by the constitution of the state. It was to be governed by a council of twenty-one members elected by districts; a mayor elected at large for a term of four years who would preside over the council and exercise the power of suspensive veto over its actions, and who would appoint certain officers whose independence from the administrative organization was desirable, such as the auditor, the members of the civil service commission, and the municipal court judges; and a manager, appointed by the council, who would appoint all administrative heads of departments, attend the meetings of the council and the borough boards, either personally or through deputies, recommend measures for adoption, and prepare the budget. Before becoming effective, the budget was to be adopted by the council and

[2] The description of the proposed charter is taken from "A Summary of the Charter" published by the City and County Government Association of Alameda County (an organization created by the Tax Association of Alameda County), September, 1916.

the borough boards. The auditor was to have charge of the accounting for the city-county and the boroughs. There was to be one assessor making one assessment valuation for the city-county and the boroughs, instead of two assessments as was the practice at that time.

The governments of the eleven boroughs were to be composed of eleven boards with purely legislative functions. These functions were to include:

> 1. The power of enacting local ordinances for the protection of the life, health, and comfort of persons within their respective boundaries.
> 2. The power to fix their own borough tax rates and appropriate money for paving, cleaning, watering, lighting, and repairing streets and roads (except main thoroughfares), constructing and maintaining sewers (except main sewers), garbage disposal, maintaining police and fire departments within the borough; and to fix the incidental expenses of borough boards and officers, and the "overhead expenses of conducting police, fire, and public health departments."
> 3. The power to incur debt with the approval of a two-thirds vote of the borough electors.
> 4. The power, subject to certain limitations, to decide upon borough improvements financed by special assessments.
> 5. The power to investigate the conduct of officials and departments in the expenditure of borough funds.

The boroughs were not to exercise administrative functions nor employ administrative employees. All administration was to be centralized in the city-county government, subject to the regulations enacted and appropriations made by the borough boards. The employees of the city-county were to be deemed borough officers when performing borough functions. The borough clerk in each borough was to be appointed by the city-county manager. The powers of the borough boards were to be specifically limited in the charter and to be exercised by them only in the absence of legislation by the city-county. The city-county legislature was to have all powers of local government not specifically granted by the charter to the boroughs. The boroughs were to be debarred from legislation "with regard to certain matters requiring uniform county legislation, such as regulations relating to traffic, buildings, city planning, the harbor district, and licenses, except liquor licenses."

The administration of the schools of the entire city and county was to be centralized in a single board of education, whose members were to be appointed by the manager, and a single superintendent of schools. Borough boards were to be allowed "to make appropriations in addition to the moneys derived from state and county funds and appropriations, such borough appropriations to be expended according to the terms of appropriation." The construction of school buildings was to be placed in charge of the board of public works.

All the municipalities were to donate their real property to the city-county except that the city of Alameda was to retain its lighting plant for its own use and benefit. The Oakland city hall and the Oakland auditorium were to become the city hall and auditorium for the entire city-county.

It was realized by the advocates of this proposal that its adoption could not be secured under the procedure provided by the state constitution for city-county consolidation. The constitutional provision, though general in form, had been specially devised to meet the situation in San Francisco. The procedure prescribed was impracticable. Under it each municipality would have had to vote on a question substantially as follows:

> Shall . . . . join with the city of Oakland in a consolidated city and county government to be governed by a charter *to be hereafter prepared* within two years, by freeholders elected *within the city of Oakland?*

As was pointed out by one writer:[3]

> . . . . the people of Berkeley, or any of the other cities, will never vote for consolidation, when such consolidation is to be governed by a charter to be hereafter prepared by freeholders, whom they have no voice in choosing and which charter comes after the merger.

The Tax Association of Alameda County prepared and proposed an amendment to the constitution for submission by the legislature to the people of the state. It provided in substance that, upon the presentation to the county board of supervisors of a popular petition for submitting the question of city-county consolidation to the vote of the people of the county, an election should be held in the county at which fifteen freeholders should be chosen to draft a charter for a consolidated city and county government for the whole county. The question of a partial consolidation could also be submitted as an alternative, although in such case there would have to be a favorable vote on the question in the entire county. The proposed amendment was adopted by the legislature and was approved by the people in 1918.

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[3] See E. W. Williams, Alameda County Charter, *National Municipal Review,* vol. VII, p. 215.

Proceeding under this amendment, the Tax Association in 1921 secured the election of a board of freeholders. This board submitted the draft of a charter in August of that year. The freeholders decided to submit to the voters the question of consolidation of the whole area under one government with a system of boroughs. Should the vote on this question prove unfavorable, they would afterwards submit the question of consolidation of a part of the area.

The charter prepared by the freeholders differed materially from the draft prepared by the Tax Association in 1916. The council was to consist of seven members instead of twenty-one. The mayor was to be selected from its membership. There was to be a city manager as in the other plan; but the board of education was to be appointed by the mayor and not by the city manager, and the judges, assessor, auditor, and district attorney were to be elected. The functions of the boroughs, as under the earlier plan, were to be strictly legislative and limited in character.

The first vote taken on November 15, 1921, resulted unfavorably to the proposal to consolidate the whole area. Oakland alone favored it.

A second vote was had on February 7, 1922, on the proposition to form Oakland, Piedmont, and Emeryville into the city and county of Oakland, separate from Alameda County. The latter two municipalities were included in the proposed county of Oakland for the reason that if Oakland City separated from Alameda County these municipalities would not be contiguous to the remainder of the county. No system of boroughs was included.

This proposal, too, was defeated, the vote in the whole of Alameda County being 17,000 for and 35,000 against. Only 52,000 votes were cast out of a total eligible vote of 158,000. E. W. Williams, secretary of the Tax Association of Alameda County, explained the result as follows:[4]

> The light vote cast on such an important question can only be explained by reason of the strenuous campaign by the county of-

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[4] *National Municipal Review,* vol. XI, p. 208.

> ficials as well as the officials of the several cities. The campaign against the proposal consisted mainly in attempts to cloud the issue and create a doubt in the minds of the people . . . . .
>
> At the first election, while many of the provisions of the charter were objected to, the most violent objections outside of the city of Oakland were directed against the borough provisions. The cities were to be organized as boroughs, but little or no local autonomy, however, was granted the boroughs. They might propose, but the council of the general government could overrule in many matters.
>
> . . . . much bitterness was displayed in certain localities—all of it seemed to be directed at Oakland. The several localities claimed that Oakland was trying to gobble them up . . . . .

Certain provisions of the proposed charter, too, had many objectors. Opposition centered about the election of the council by districts instead of at large, the powers of appointment given to the manager which, it was claimed, made him a "czar," the election of the mayor by the members of the council, the appointment of the board of education by the mayor instead of its election by the people, and the failure of the civil service provision to give the right of appeal to a discharged employee.

The proposal has not been revived. In 1927 the people of the county took advantage of the county home-rule provision of the constitution by adopting a home-rule charter changing somewhat the form of county government but making few substantial improvements.

The new charter provides for a board of supervisors of five members and an elected auditor, assessor, district attorney, sheriff, superintendent of schools, and treasurer. The elective officer list was shortened. The board of education, coroner, county clerk, probation officer, purchasing agent, public administrator, public defender, and civil service commissioners are appointed by the supervisors. A revised budget and accounting procedure was prescribed and a well-planned personnel system was set up. The charter further provides that county officers may assume municipal functions when requested to do so by cities within the county.

A Federated Government for Pittsburgh and Vicinity

Under an act of June 8, 1923, a commission was appointed by the governor of the state of Pennsylvania to investigate the question of municipal consolidation in Allegheny County. The commission was largely composed of representatives of the boroughs and townships of Allegheny County. Of the twenty-four members of the commission, nineteen represented the smaller municipalities and only five represented the city of Pittsburgh, although Pittsburgh contains almost one-half of the population of the county. This commission which was continued by Acts of 1925 and 1927, conducted a protracted investigation and recommended to the legislature that a constitutional amendment be submitted to the people of the state permitting the electorate of Allegheny County to vote on a charter under which the municipalities in the county might be unified in a federal relationship. By the terms of the amendment and the charter it became possible to replace the county government by a metropolitan government, to be known as the "City of Pittsburgh," possessing all the powers of the county together with other powers of metropolitan scope as specified in the charter.

The proposed constitutional amendment was so highly detailed as to justify reference to it as "constitutional legislation." It was passed at two successive legislative sessions and was approved by the people of the state in November, 1928.

The amendment provides that the charter, when enacted by the legislature, must be accepted by the people of the county before it can become effective. But such approval requires not only the vote of a majority in the county as a whole, but also a two-thirds vote in each of a majority of the municipalities within the county.

How the requirement of such an unusual majority became incorporated in the amendment is a subject of dispute. It was a change introduced during the first passage of the measure through the legislature at the special session of 1926. The text as drafted by the commission and submitted to the legislature called for the ratification of the charter merely by a majority vote in a majority of the municipalities. One of the protagonists of "borough rights" in the legislature sought to make this requirement more severe and amended it to read "majority vote in each of two-thirds of the municipalities." The commission accepted this amendment, fearing that the bill would otherwise fail of adoption. But when the resolution appeared in amended form it was seen to read "two-thirds vote in each of a majority of the municipalities." When the change was discovered, the measure had already passed and it was too late to correct it.

Under the amendment to the constitution the legislature is empowered to propose a charter conferring on the new municipality any powers "appropriate to a municipality" except such municipal powers as are specifically reserved to the municipal subdivisions of the new city. The powers of the consolidated city, except as otherwise provided in the charter, must be vested in a board of commissioners. The charter may carry grants of specific powers not permitted under the more general provisions of the constitution, such as the creation of special districts for special services or improvements, and the assessment of the costs of an improvement upon a district specially benefited. In levying special assessments by districts, the property benefited must be graded as urban, suburban, and rural. The charter further may provide for the election or appointment of all necessary officers, including constitutional officers, and for fixing their powers and duties. This grant of power is broad enough to include a manager.

The amendment guarantees to the cities, boroughs, and townships their "continued existence as divisions of the consolidated city under their present names and forms of government and with their present boundaries "except that the present city of Pittsburgh" may be designated by a term "other than city and may be divided into two or more municipal divisions," and that any two or more municipal divisions may voluntarily unite into a single municipal division. No municipal division other than Pittsburgh may be split into two or more divisions. Consequently, no new borough, for example, can be formed out of parts of an existing township, and the number of municipal divisions cannot be increased. Thus the municipalities are given a constitutional status and guaranty of home rule not previously possessed.

How Powers Are Distributed

The constitutional amendment reserves "substantial powers" to the cities, boroughs, and townships. The performance of all services, improvements, and other works "within the municipal divisions and principally for the use and benefit of the inhabitants thereof" except "the construction and maintenance of through traffic streets and bridges, tunnels, subways and appurtenances thereof [and] main or trunk lines for sewer, power and water service running through more than one municipal division and designated as such by the board of commissioners [of the new city] is reserved to the cities, boroughs, and townships." The amendment also reserves to the several subdivisions the power to maintain a local police force and local fire department, which may be supplemental to the metropolitan police or fire force, the creation of which is optional. The powers of taxation and borrowing for local purposes and "all other powers not specifically granted by the charter to the consolidated city are continued in the hands of the local communities." Any municipal division may, however, voluntarily by a majority vote of its electors, surrender any of its powers to the metropolitan government provided the latter is willing to accept them.

Under the constitutional amendment the charter of the new city after adoption by the people may be revised by the legislature subject to ratification by a majority vote of the consolidated city, but no change reducing the powers of municipal divisions can be effective unless ratified by a majority of the electors voting thereon in each of a majority of the municipal divisions.

Following the adoption of the constitutional amendment, the Metropolitan Plan Commission, which had been continued by the 1927 legislature and directed to draft a charter for the proposed consolidated city, hastened to complete its work, based on an elaborate study which had been carried on during the previous year. In March, 1929, the Commission submitted its proposals to the legislature. Upon examining the charter, the politicians of the county and of its municipalities found many features exceedingly objectionable to themselves and at once made known at Harrisburg their opposition to the passage of the charter bill. The commission was forced to agree to many changes in order to secure the passage of the bill by the legislature.

The original proposal called for the government of the consolidated city by a board of seven commissioners consisting of three members residing in the old city of Pittsburgh, three residing one each in the three districts formed outside of Pittsburgh but elected at large, and a chairman elected at large. The chairman was to be the chief executive of the city. He was to appoint, with the consent of the commission, the heads of the departments and other officers and boards of the city and was to supervise and investigate their activities. The following departments were to be established: finance, health, safety, public works, welfare, parks and recreation, planning, public art, personnel, law, research and information, and regional transit. The system of minor courts was to be reformed by a drastic and far-reaching provision.

One the whole, the charter, as it reached the legislature, was an acceptable document embodying much of the best thought of the day regarding municipal administration, including a comprehensive administrative set-up in accordance with approved principles. This scheme of organization the legislature well nigh destroyed. It eliminated the proposed reform of the minor courts, the introduction of a personnel department (county offices previously were not under civil service), and the department of research and information. It wiped out a carefully conceived department of welfare. In other cases, while conferring upon the metropolitan government power to deal with the subject matter, it left the administrative arrangements with the governing body of the consolidated city. Very significant of its attitude was the provision that the county commissioners in office should be the governing body of the consolidated city for the first two years.

From the point of view of metropolitan government, however, this does not tell the whole story. The important question from that point of view is the allocation of powers between the central and the local municipal governments. In this respect there was much less difference between the commission's plan and the law as it came from the legislature than was the case with respect to the machinery of government.

The effect of the Metropolitan Plan Commission's proposals was to change the name of Allegheny County to the City of Pittsburgh, municipalize the organization of the county, and somewhat enlarge its powers. The plan as submitted to the legislature gave the consolidated city the following powers in addition to the powers possessed by Allegheny County:

1. Powers and duties with regard to the care of the poor, insane, etc., now possessed by the city of Pittsburgh and the direc-

tors of the poor of Allegheny County (who function outside of Pittsburgh).

2. The power to make and enforce health regulations. (Enforcement was to be direct in units having no health authority. In the rest it was to act through the local health authority which in case of neglect to perform duty it might replace.)

3. The power to designate through-highways within the cities and boroughs of the area and to have jurisdiction over their construction, repair, and use by public utilities.

4. The power to regulate billboards and structures on through-traffic streets and county roads.

5. The power to make a master plan as to main features.

6. The power to zone where zoning had not been undertaken upon the effective date of the charter, and to make general regulations with regard to which local zoning ordinances must conform.

7. The power to create special taxing districts for the purpose of supplying any kind of utility or service not for the exclusive use of one unit. (A very important power, considering the rugged topography of Allegheny County.)

8. The power to acquire, construct, own and operate water works. (Municipally owned works were not to be acquired without consent of the people of the municipality.)

9. The power to construct and operate transportation systems for passenger, freight, or express traffic.

10. The power to establish and maintain a police department in addition to local police departments.

11. The power to recommend standards to local fire departments and to make appropriations for those living up to these standards.

12. The power to regulate smoke.

13. The power to make uniform traffic regulations for through streets and to prescribe type and manner of installation of signals on all streets.

14. The power to control through an art jury the character of monuments, etc., throughout the consolidated city.

15. Exclusive power to assess property for taxation. (Property in Pittsburgh and in the three third-class cities of the county is now assessed twice—once by the city and once by the county.)

16. Power to levy special assessments by the district plan.

Of these sixteen specifications of power, the legislature eliminated the first (including the arrangements for modernized administration of penal and welfare institutions now conducted by the county), the fifth, the eleventh, and the fourteenth—i.e., those relating to welfare, planning, fire protection, and public art. At the same time the legislature modified the second by omitting the power to replace a neglectful authority; the sixth by permitting unzoned areas to be locally zoned after the charter had gone into effect and by omitting the power to make general regulations;

and the fifteenth by omitting the word "exclusive," thereby retaining the present double assessment system.

The remaining nine powers were left intact. The most serious changes were those which left the welfare and assessment systems as they now are. The county already has considerable planning powers for the outlying area. The original provisions with regard to fire protection, health, and zoning were sufficiently weak so that their further weakening was not a matter of great moment. As the charter came from the legislature it provided for common handling of the following matters:

1. Construction and maintenance of through streets and control of traffic thereon.
2. Special public works districts for sewerage, sewage disposal, etc., tremendously needed in a country as rough as Allegheny County.
3. Water supply.
4. Transportation on the broadest lines.
5. Modern police to replace the sheriff's police as a means of dealing with crime in the suburban and rural area.
6. Special assessments by the district plan to finance major public improvements, a method previously under constitutional ban in Pennsylvania.

It must be admitted that this was a modest beginning in the solution of the problems of metropolitan scope which confront the Pittsburgh region. It was, however, a beginning. Amendments relating to structural changes could be made by simple majority of the people, amendments changing the relations of the units to the consolidated city could be adopted by a majority vote in a majority of the units. Furthermore, the units were permitted by the charter to surrender at any time any power which the metropolitan government would accept. In spite of disappointment because of the legislature's rough handling of the commission's draft, the commission and the friends of good government in the Pittsburgh area generally joined forces with the Republican organization in supporting the charter.

On June 25, 1929, the vote was held. The proposition readily secured the requisite majority of the entire county, but it failed to secure the necessary two-thirds vote in a majority of the municipalities. True, it secured a two-thirds vote in 49 municipalities, but 62 were needed. As a result, it failed of adoption although it had a majority in more than two-thirds of the units.

It is interesting to note that the vote cast for it would have been sufficient to secure its adoption had the arrangement originally incorporated in the constitutional amendment calling for approval by a majority vote in a majority of the municipalities been retained, or even if the change intended to be made in the legislature had been carried out.

The Metropolitan Plan Commission tried to resubmit the charter to the people at the fall election of 1930. But this scheme was prevented by the courts. The supreme court of the state has ruled that further action by the legislature is necessary before the people can have the right to vote again on a consolidated charter.

The method of ratification which was provided by the amendment was obviously irrational and could never have found its way to acceptance except by mistake. It is to be remembered, however, that the commission after the passage of the amendment in the 1926 session had the alternative of either going ahead with it as it then was, or postponing the adoption of the amendment by the people until 1930. Under the circumstances it preferred to take a chance, and a few hundred votes in the thirteen units which gave it a majority but not a two-thirds majority were all that stood in the way of success. The original proposal that the ratification be effected by a majority vote in the majority of municipalities was reasonable and fair and should have been retained. In view of the extraordinary majority required, any consolidation plan can be adopted only with great difficulty. To be successful at the polls any proposed system of federalism must necessarily restrict the central government to a few limited powers. Greater centralization may be provided after the plan has been put into operation inasmuch as the process of amendment is possible by a less severe majority than is required for original adoption. But even then centralization will find powerful obstacles in its way. The adoption of any sort of consolidated charter will strengthen the forces of decentralization, since the boroughs and towns will gain under the plan a constitutional status which they do not now possess.

Federated Government for Cleveland

After serious study by the Regional Government Committee of Greater Cleveland, a proposed amendment to the state constitution was introduced into the Ohio legislature at the 1929 session. It would have made possible the transformation of the county into a real metropolitan institution in Ohio. Its principal features were as follows: First, the legislature was empowered to provide by general law for the organization and government of counties. In this way it would be possible to reconstruct the antiquated machinery of county government in general before adding to its powers. Second, the legislature was given power to authorize the incorporation of counties as municipal corporations which might frame and adopt charters under regulations established by law. This was done so that a form of government might be adopted for the county which would enable it to function as a metropolitan government. Third, a county so incorporated would have all the powers of counties generally and in addition all the powers of other governmental units (municipalities and districts) which its charter might confer and which had not been retained by such units. Fourth, such an incorporated county would have authority to set up separate taxing districts within its boundaries with differing tax rates. Finally, no such charter could go into effect until adopted by a majority vote (1) in the county; (2) in any city having 60 per cent or more of the inhabitants of the county; (3) in the county outside such city and (4) in each of three-fifths of the total number of municipalities and townships in the county. As one of those associated with this project expressed it:[5]

> The outstanding purposes sought to be accomplished by the amendment were first, to open the way for the legislature to work out a more reasonable and effective form of government for counties generally; second, to provide through the 'incorporated county" idea a government vehicle adequate to the requirements of large and growing municipalities.
>
> It was not thought wise to write into the amendment a specific enumeration of powers that an incorporated county should have and a specific enumeration of what municipal powers would be reserved to existing municipalities. In order to prevent the adoption of a charter for an incorporated county involving an undue assumption of municipal and township powers the 'hurdles' or limitations above enumerated were set up. These, it was

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[5] Carter, Leyton E., Progress Toward Metropolitan Government in Cleveland and Cuyahoga County. *National Municipal Review,* Vol. XVIII (1929), p. 469.

thought, would prevent the adoption of any charter which did not have general and widespread support both in big and little jurisdictions throughout the county.

The measure received widespread support in Cuyahoga County and from the county's delegation in the legislature. The city authorities of Cleveland and Cincinnati endorsed it, as did many important state organizations. The legislative delegation from Hamilton County, however, opposed it, fearing apparently that it might work to the interest of Cincinnati's reform group which had been seeking to dislodge the regular Republican county organization from its position of power. Since the rural delegates naturally sided with the delegates from Hamilton County, this opposition was sufficient to defeat the measure, and it was killed in committee. Obviously the proposal threw a great degree of protection about the smaller units, and it is difficult to understand why any but interested politicians could have objected to it. In spite of the reverses in the legislature the forces throughout the state interested in regional government are continuing their work. If the legislature should remain obdurate, constitutional amendment through the initiative and referendum may be tried.

Among the positive features of the Cleveland proposal are (1) the brevity and simplicity of the constitutional amendment; (2) the large degree of freedom provided for the framing of the charter through the absence of limitations upon charter-making powers; (3) the possibility reserved for the county to function in the dual capacity of a rural government for the rural territory and of a metropolitan government for the urban section; (4) the generality of the proposal which was framed to apply to any metropolitan situation and county in the state; (5) the fairness and simplicity of the procedure for the adoption of the new scheme.

Conclusions as to Federated Government

While the general idea underlying the "federated city" is the same in all cases in which federalism is being discussed as a solution of the metropolitan problem, the actual forms of organization in which the idea has been embodied show important variations. This is particularly true with respect to the place to be occupied by the political subdivisions of the metropolitan territory, the distribution of powers between the central and the local governments, and the procedure prescribed for the adoption of the federated plan and its subsequent amendment. One scheme rests upon elevating the county to the position of a central government for the area. Another plan seeks to preserve the existing municipal divisions much as they are, while yet another proposes to merge or abolish them in favor of large local subdivisions. Sometimes the central government is to be one of delegated and specified powers, with all residual powers in the locality; other schemes exactly reverse this order. One plan provided for the delegation to the central government of a large measure of power and for a very small degree of local autonomy. Another, so far as the immediate situation was concerned, did the opposite.

In the United States, federated metropolitan government is still in the discussion stage. Experimentation will be necessary before its possibilities and limitations can be determined. Recent experience appears to demonstrate that for the time being at least complete consolidation is not a practicable solution for any region as a whole. Under these circumstances federation offers itself as an attractive, although by no means the only, alternative. We can therefore expect increasing attention to it as more regions become conscious of the political chaos into which they are drifting. In some regions federation represents probably the only program possessing a practical chance of adoption in the immediate future.

Although Greater New York was never a federation, its borough government represented some concession to the claims of the localities within the region. With the passage of time the drift there has been toward greater and greater centralization. New York's experience indicates the experimental nature of any attempt to reach a compromise between local and regional interests and emphasizes the importance of flexibility in any scheme of federation which may be adopted. The door should be left open to change and development as new requirements and longer experience may dictate.

Freedom should be allowed to provide for the organization, self-government, and subsequent modification of federations without constitutional restraints. To provide a true solution of the problem of organization of metropolitan regions, federations should be so organized as (1) to be capable of easy and automatic extension to new outlying sections of the region, (2) to permit of such subsequent internal regroupings and rearrangements of its constituent divisions as conditions may require, and (3) to allow a progressive centralization of government in the measure in which the territory is welded into a homogeneous social unit.

Editor's Note:—As final proof of this chapter was being returned to the printer word was received that a petition had been filed in Missouri summoning the voters to pass on an amendment to the state constitution to enable the City of St. Louis and St. Louis County to frame and adopt a federated government for the region.

The proposed amendment guarantees the independent existence of all the municipal units within the Greater City to be, until such a time as the voters of any two of such units decide, by a three-fifths vote of each, to consolidate. The unincorporated area of the county will become organized into one or more municipal corporations to be known as county districts. Such county districts (probably only one will be set up) will be administered by a simple form of government to be set forth in the charter. District expenses will be met by grants from the Greater City's treasury. Any taxation in addition must be approved by the voters of the district.

With respect to the authority of the Greater City, the amendment authorizes the home rule charter to specify that the regional government can exercise any designated power now possessed by St. Louis City, St. Louis County, or any municipal corporation or district within the Greater City. The establishment of a metropolitan police force is specifically authorized for policing highways and county districts. Special public works districts may be provided for by charter.

Looking ahead somewhat, the City and County Metropolitan Development Committee has suggested certain features which it will seek to incorporate in the charter to be drafted for the federated area if the voters of the state approve the amendment. The governing body of the Greater City will be a council of eleven members, ten elected by districts, four of which shall be in the county. The presiding officer of the council will be elected at large. The council is to have power to make health and traffic regulations for the whole region and to grant franchises, to police highways and rural sections, and to provide a unified water service for the region. In addition, the Greater City's government will have charge of planning, sewers, through highways, parks, recreation, and hospital and public welfare agencies and institutions.

To the existing cities and villages, which will continue under their own names, it is proposed to leave schools, local police, fire protection, zoning, local streets, street lighting and cleaning, garbage disposal, building regulations, etc.

Viewing as a unit the proposed constitutional amendment and the committees suggestions for a subsequent charter, it appears that the new general government will be one of restricted powers. The government of the component units will be disturbed only to a minimum degree. Only the most obvious regional functions, including the traditional county welfare services, will be transferred to the central authority.

If the amendment prevails and if the charter which will follow is adopted, the St. Louis region will have a government which it can mold to its needs. In time, simplicity will doubtless replace its initial complexity. The area will possess an instrument adequate to the task, one that will be watched with great interest as the first regional federation in actual operation in this country.

CHAPTER XIX

CONCLUSION

As this work draws to a close a few general observations regarding the subject under study may be made. Seven types of organization or readjustment of metropolitan government thus far proposed and attempted have been examined—intermunicipal coöperation and exchange of services, consolidation and annexation under a unitary form of government, city-county consolidation and separation, expansion of county government, special metropolitan commissions, the New York borough plan, and the federated region or city. What are the final conclusions as to the relative merits of these plans and the possibility of the ultimate solution of the problem of metropolitan organization? They may be summarized as follows:

1. There can be no single answer to the problem of metropolitan organization, applicable to all conditions and times. Each region must be studied separately and an organization devised for it which will meet its peculiar situation.

2. The different types of organization or readjustment so far proposed are not always mutually exclusive. They supplement each other to a large degree. The federal plan of regional organization may adequately meet the needs of the metropolitan area as a whole and particularly so far as the more loosely connected territories are concerned. On the other hand, consolidation or annexation, under either a unitary plan or a borough form of government such as that of New York City, may be the solution for the more closely knit sections of the territory. A reëxamination of the status and functions of the county will be necessary. Where county boundary lines coincide with those of the region the county government, revamped and modernized, may serve as the foundation on which to build a regional organization. In other cases, in which the region covers two or more counties, the county may be preserved as a constituent part of a federated government, its historic rôle being modified in accordance with the demands of a new situation. On the other hand, where homogeneous urban conditions have developed and the need for it has

passed, it may be found desirable to eliminate the county entirely as a self-conscious unit.

3. Comprehensive metropolitan government may be brought into existence without causing a complete extinction of minor local governments in a metropolitan territory. We may expect considerable experimentation in the near future with various plans for federated or dual metropolitan government.

4. The problem will never be solved so long as public leaders confine themselves to individual improvement projects, forgetful of the need for comprehensive improvement and service programs. Special metropolitan commissions may continue to be useful expedients or makeshifts during the present transitional period, but they cannot be expected to afford permanent relief.

5. Nor will the problem be solved so long as politicians and civic leaders think of the region as being primarily a congeries of local political units, and adhere to an exaggerated and bigoted view of home rule for which they find confirmation in ill-conceived constitutional provisions. Properly conceived home rule does not confer a right to perpetual existence as a separate political entity when common interests demand that the smaller locality be absorbed into a larger political community. Nor is it a right of a division to do as it pleases and to shut itself in, within its small confines, against the world outside. In the sphere of metropolitan relations, it should not be the right of any subdivision to obstruct any metropolitan development or project which does not suit its taste.

6. The present chaos in many metropolitan areas is a summons to a broader view and higher statesmanship than has generally been displayed. The state and even the nation as a whole are concerned in the proper governmental organization and development of the great metropolitan regions. These larger interests cannot be sacrificed to the inertia or selfish interests of the smaller political divisions of that region. In the last analysis even state boundary lines will not be able to bar the rational treatment of regional difficulties.

7. The work here presented is merely an introduction to far more comprehensive studies which the subjects will undoubtedly receive in the future. Scholars of distinction will furnish new

facts and new speculations. Local researchers will delve deeper into the minutiae of regional relationships. A knowledge of European experimentation and a willingness to adapt foreign successes to American soil will help, but in the last analysis the government of metropolitan areas constitutes a sturdy challenge to American political ingenuity.

INDEX

(Note: All suburbs and most counties are listed under the chief city of their metropolitan region. Many special metropolitan authorities are similarly indexed.)

Akron (Summit County): metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; sale of water, 55; Metropolitan Park Commission, 279-280, 286, 290, 303-304.

Alameda County: attempt at consolidation of city and county, 66, 372-376; see San Francisco.

Allegheny County: 26; 376-383; see Pittsburgh.

Annexation and Consolidation: (Chapters V, VI, VII and VIII) definition of, 65; extent of, 67-68; special or general laws governing procedure, 68-69; instances of voluntary or forcible methods, 69-75; arguments pro and con, 75-77; voluntary annexation procedure, 77-79; forcible annexation procedure, 79-82; state and county boundaries cause complications, 82-85; arguments favorable to annexation, 87-88; arguments unfavorable to annexation, 88-90; bases and relative weights of these arguments, 90-93; time required to secure annexation or consolidation, 93-94; cyclical nature of annexation and consolidation movements, 94-95; the terms—legal and contractual, 95-98; obligations assumed by the city, 98-100; representation of new territory in the government of city, 100-104; extension of water supply, 105-110; extension of sewer system, 111-114; street paving in new territory, 114-115; street lighting, 116-117; city planning, 117-120; construction of bridges, viaducts and tunnels, 120-122; expansion of park systems, 122-123; metropolitan transportation, 124-126; police protection, 126-128; fire protection, 128-129; schools, 129-130; street cleaning and garbage removal, 130-131; public health, 131-132; miscellaneous public utility services, 132-133; rapid settlement and increased land values, 133-134; local civic consciousness in added territories, 134-135; expenditures in added territories exceed revenues, 136-139; equalization of tax rates, 139-141; increase or decrease of expenditures in enlarged city, 141-146; improvement in census rating, 146-149; gains in population through annexation, 149-150; civic and governmental gains, 150-152; limitations upon annexations and consolidations, 152-155.

Areas: boundaries of, 16; growth of metropolitan areas, 18-20; population and area ratios of city and county, 171-173.

Atlanta: metropolitan area as defined by the census bureau, 8; number of political units, 27.

Baltimore: metropolitan area as defined by the census bureau, 8, 20; unincorporated communities in, 26; number of political units, 27; sale of water by, 55, 58; expansion by annexation, 66-68; forcible vs. voluntary annexation, 74-75, table VI, 80; cyclical nature of annexation movements, 94; guarantees furnished by the city in annexations, 98-99; expenditures in added territory, 138; differentials in taxation between urban, suburban and rural properties, 156-161; city-county separation, 173-174; disposition of public property, 183; difficulties of future annexations, 214; expansion of county government to meet metropolitan needs, 245-247.

Baltimore County: 26; see Baltimore.

Baltimore County Sanitary District: 246.

Boroughs in Pennsylvania: 24.

Borough Plan: see New York City's Borough Plan, Chapter XVII, 342-366.

Boston: metropolitan area as defined by the census bureau, 8; independent minor centers merge with the big city, 13, 14; metropolitanism not a new phenomenon, 15, 16; boundaries of area, 17; growth of city and area, 18; subdivision of towns in the early days, 24; number of political units, 27; need for governmental integration, 32, 33, 34, 37, 39, 40; joint construction of bridges, 44-45; sale of water, 55; expansion by annexation, 66-68; voluntary vs. forcible annexation, 71; table VI, 80; county boundaries cause complications, 83; annexation campaigns, 93; representation of the new territory in the city, 103; extension of water supply after annexations, 107; extension of sewer system, 112; construction of bridges after annexation, 120; expansion of park system, 123; metropolitan transportation, 125; increased land values in Roxbury, 133-134; expenditures in added territories, 137; census rating, 147, 149; governmental gains, 151-152; consolidation of city and county functions, 197, 201-203; Massachusetts Metropolitan District: Sewerage Commission, 260-262; Park Commission, 263; Water Supply Commission, 263-264; merger in the Metropolitan District Commission, 274; Transit District, 274-277, 292; District Planning Division: 256, 271, 274, 283,288-289,294, 296,297,317; status, 281; activities, 282; extension of boundaries, 287; state control, 288, 292; composition, 294-295; terms and compensation, 296; powers, 297-298; financing 305-311; functioning, 313-315; is it democratic, 315; results, 316-318, 339-340; proposals of 1896 for federal form of government, 368-372.

Bridges: joint construction of, 43-46; construction of, after annexation or consolidation, 120-122; construction of bridges by county within city in Cleveland, 235, in Cincinnati, 237, in St. Paul, 239, in Pittsburgh, 240, in Indianapolis, 241, in Portland, 243; New York and New Jersey Bridge and Tunnel Commission, 267-270.

Brooklyn: see New York City.

Buffalo: metropolitan area as defined by the census bureau, 8; number of political units, 27; Niagara Frontier Planning Association, 53-54; no sale of water, 55.

California: type of political units, 24; cities and villages subject to township jurisdiction, 25; annexation laws, 73; see Los Angeles and San Francisco.

Census rating: see Population.

Chicago: metropolitan area as defined by the census bureau, 8; independent minor centers merge with the big city, 14; growth of city and area 18, 19, 21; multiplication of political units, 25; number of political units, 27; need for governmental integration, 31, 33; sale of water, 55, 56-57;

expansion by annexation, 66-68; annexation law, 68; voluntary vs. forcible annexation, 72, table VI, 80, 82; annexation campaigns, 94; cyclical nature of annexation movements, 94, 95; obligations assumed by the city in annexation, 99; representation of new territory in government of city, 101; extension of water supply after annexation, 105-106; extension of sewer systems, 111-112; street paving in new territory, 114-115; street lighting in new territory, 117; city planning after annexations, 118-119; metropolitan transportation, 124; police protection, 127-128; fire protection, 129; miscellaneous public utility services, 132-133; census rating, 148-149; civic gains, 150-151; limitations upon annexations, 154-155; consolidation of city and county functions, 203; expansion of Cook County government to meet metropolitan needs, 224-228; metropolitan park authorities, 260; Chicago Sanitary District, 260, 279, 281, 284-287, 290, 294, 296, 298, 300, 303, 318-319, 340; North Shore Sanitary Commission, 290, 303.

Cincinnati: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; need for governmental integration, 31, 39, 40; sale of water, 55, 58; expansion by annexation, 66-68; forcible annexations, 82; state boundaries cause complications, 82; expansion of Hamilton County government to meet metropolitan needs, 237-239.

Cities: type of governmental unit, 23, 24; relation to township, 25.

City-County Separation and Consolidation, Chapter X, 170-191; population and area ratios, 171-173; city-county separation, 173-179; analysis of schemes of separation, (a) additional territory, 179-180; (b) legal status of separated city-counties, 180; (c) treatment of city and county offices, 181-183; (d) disposition of public property, 183-184; (e) limitations on taxation and indebtedness, 184-185; popular opposition to separation, 185-187; Multnomah County, Oregon, 188; city-county consolidation, 188 and ff.; aims of consolidation and opposition to it, 189-190; procedure, 190-193; Philadelphia and St. Louis, 193-197; consolidation of functions—New York and Boston, 197-203; partial consolidation of individual functions, 203-204.

Financial results of separation and consolidation, 205-209; improvement in service assumed by city, 209; simplification of government and shortening of ballot, 209-210; unification of city and county government as a solution of the metropolitan problem, 210-211; effect on development of county territory, 211-214; increased difficulties of future annexations, 214-215.

City Planning: see Planning.

Cleveland: metropolitan area as defined by the census bureau, 8; convergence of two cities of comparable size, 14; growth and shape of area, 21; number of political units, 27; need for governmental integration, 31, 34, 39, 40; sewage agreement with Lakewood, 48; agreements *re* paving specifications, 50; joint contracts with public utility, 50; intermunicipal conferences, 52; sale of water, 55, 57; expansion by annexation, 66-67; voluntary vs. forcible annexation, 73, 82; cyclical nature of annexation movements, 94; obligations assumed by city in annexation, 100; representation of new territory in government of city, 101; extension of water supply after consolidation with Ohio city, 107-108; street paving in new territory, 115; city planning after annexation, 119-120; construction of bridges and viaducts after consolidation and annexation, 121; metropolitan transportation, 125; police protection, 128; fire protection, 129; increased land values in West Park, 134; proposals for city-county consolidation, 191; expansion of Cuyahoga County government to meet metropolitan needs, 235-237; Cleveland Metropolitan Park District, 271, 279-280, 284-285, 290, 303-304, 327; federated government, 383-385.

Colorado: law on annexation of territory in another county, 83; see Denver.

Columbus: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; sale of water, 55.

Conferences: intermunicipal, 52-54.

Connecticut: type of political units, 24; see New York City.

Consolidation: see Annexation and Consolidation, and City-County Consolidation.

Cook County: 26, 224-228; see Chicago.

Coöperation: see intermunicipal arrangements.

Counties: type of governmental unit, 23; size, 23.

County Government: Expansion to Meet Metropolitan Needs, Chapter XII, 216-234; Chap. XIII, 235-255; Los Angeles County, 217-223; Cook County (Chicago), 224-228; Wayne County (Detroit), 228-232; Milwaukee County, 232-234; Cuyahoga County (Cleveland), 235-237; Hamilton County (Cincinnati), 237-239; Hennepin (Minneapolis) and Ramsey (St. Paul) Counties, 239-240; Allegheny County (Pittsburgh), 240-241; Marion County (Indianapolis), 241-242; Multnomah County (Portland, Oregon), 242-243; Essex County (Newark), 243-245; Hudson County (Jersey City), 245; Baltimore County, (Md.), 245-247; Westchester County (New York), 247-252; summary and conclusions, 252-255; New York City courts and county government, 349-350.

Cuyahoga County: 235-237; see also Cleveland.

Denver: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; sale of water, 55; consolidation, 56; expansion by annexation, 66-67; annexation law, 68; annexation of territory in another county, 83; cyclical nature of annexation movements, 94; police protection, 126.

City-county separation, 176-178; additional territory, 179-180; legal status of separated city-county, 180; treatment of city and county offices, 181; limitations on taxation and indebtedness, 185; popular opposition to separation, 186-187; financial results of city-county separation, 207-208.

Detroit: metropolitan area as defined by the census bureau, 8; growth and shape of area, 21; number of political units, 27; need for governmental integration, 31, 34, 39, 40; agreements *re* street paving, 50; agreements *re* traffic regulations, 50; coöperation between health departments, 52; sale of water, 55, 57; expansion by annexation, 66-67; voluntary vs. forcible annexation, 73, table VI; vote of central city against annexation, 77; forcible annexation, 80; cyclical nature of annexation movements, 94, disposition of debts in annexations, 96; representation of the new territory in the city, 102; extension of water supply after annexations, 108; extension of sewer system, 113-114; street paving in new territory, 115; police protection, 128; fire protection, 129; public health, 131-132; expenditures in added territory, 138; equalization of tax rates, 140; expansion of Wayne County government to meet metropolitan needs, 228-232; constitutional amendment permitting the organization of metropolitan districts, 256.

East Bay Municipal Utility District: see San Francisco.

Education: see Schools.

Essex Border Utilities District (Ontario): 271-272, 283-285, 291, 297, 298, 299-300, 307-309, 310-311, 333-335, 338.

Essex County, N. J.: 243-245; see Newark, New York City, New Jersey, North Jersey District Water Supply Commission.

Extraterritorial Activities: 62-64.

"Federal" form of metropolitan government: Chapter XVIII, 367-368; Boston Proposals of 1896, 368-372; Alameda County, Calif., 372-376; Pittsburgh and Vicinity, 376-383; Cleveland, 383-385; conclusions, 385-387.

Fire Protection: metropolitan character of problem, 37; improvements in, after annexation, 128-129 by county, 222, 246, 251; metropolitan fire district, 259.

Governmental Integration, Need for: Chapter III, 29-42; incoherent development of the community due to wide variation in services rendered, 30; metropolitan character of the water supply problem, 31-33; metropolitan character of the sewerage problem, 33; metropolitan character of the port problem, 34; metropolitan character of the transportation problem, 35; metropolitan character of the park problem, 36; other metropolitan needs, 37; uneven development due to variation in financial resources, 37-41; summary, 41.

Hamilton County: 237-239; see Cincinnati.

Hennepin County: 239-240; see Minneapolis-St. Paul.

Highways: metropolitan character of problem, 35; intermunicipal arrangements, 50; construction after annexation, 114-115, 118-119; construction after city-county separation, 212; construction by county, inside city, 225, 229, 237, 239, 245; jurisdiction over, under Pittsburgh plan, 381.

Hudson County, N. J.: 246; see also, Jersey City, New York City, New Jersey, North Jersey District Water Supply Commission.

Illinois: cities and villages subject to township jurisdiction, 25; annexation laws, 68, 72, 82; annexation of park territory, 79; annexation of territory in another county, 84; see Chicago.

Indiana: cities and villages subject to township jurisdiction, 25; see Indianapolis.

Indianapolis: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; sale of water, 55; expansion of county government to meet metropolitan needs, 241-242; Indianapolis Sanitary District, 272, 283, 293, 304, 330.

Intermunicipal Arrangements: Chapter IV, 43-64; joint construction of bridges, 43-46; joint sewers, 46-49; other joint enterprises, 49-51; why instances of joint action are few, 51; coöperation between individual departments, 51; conferences, 52-54; sale of water by central city to suburbs, 54-56; sale of water by New York City and Chicago, 56, Detroit, Cleveland, Baltimore and Cincinnati, 57-59, Portland, Oregon, 59; results of sale of water to outside communities, 60; sale of other services, 61; extraterritorial activities, 62-64; summary, 64.

Jersey City and Hudson County: expansion of county government to meet metropolitan needs, 245; see New York City, and New Jersey.

Kansas: type of political units, 24.

Kansas City: metropolitan area as defined by the census bureau, 8; number of political units, 27; sale of water, 55; state boundaries cause complications, 82.

Land Values: 133-134.

London (England): 16, 105, 261, 262, 344, 368.

Los Angeles: metropolitan area as defined by the census bureau, 8, 20; unincorporated communities in, 26; number of political units, 27; intermunicipal and regional planning conferences, 53-54; no sale of water, 55; expansion by annexation, 66-67; voluntary vs. forcible annexation, 73; annexation procedure, 73-74; "shoe string additions," 92; cyclical nature of annexation movements, 94; extension of water supply after annexations, 108-109; expansion of county government to meet metropolitan needs, 217-223.

Los Angeles County: unincorporated communities in, 26; see Los Angeles.

Louisville: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; sale of water, 55; state boundaries cause complications, 82.

Marion County: 241-242; see Indianapolis.

Maryland: forcible annexation doctrine, 75-76; see Baltimore.

Massachusetts: annexation laws, 69; see Boston.

Metropolitan Communities: nature of, Chapter I, 7-28; definition, 7; areas and population, 7-9; determination of boundaries, 10, 16-19; social and economic basis of suburban trend, 10-12; mergers of independent minor centers with the big city 12-14; convergence of two cities of comparable size, 14-15; not a new phenomenon; the difference between the metropolitanism of 1850 and 1925, 15-16; growth of large cities and their metropolitan areas, 18-20; present scope of metropolitan communities and their tendencies towards further growth, 20-22.

Michigan: annexation law, 68; annexation of territory in another county, 84; see Detroit.

Milwaukee, metropolitan area as defined by the census bureau, 8; number of political units, 27; need for governmental integration, 34; sale of water, 55; expansion by annexation, 66-67; city-county separation, 178-179; expansion of county government to meet metropolitan needs, 232-234.

Minneapolis-St. Paul: metropolitan area as defined by the census bureau, 8, 20; convergence of two cities of comparable size, 14; number of political units, 27; need for governmental integration, 34; joint construction of bridges, 45-46; coöperation between police departments, 52; intermunicipal conferences, 53; sale of water, 56; expansion by annexation, 66-67; cyclical nature of annexation movements, 94; partial consolidation of functions in city (St. Paul) and county, 203-204; Hennepin and Ramsey Counties—expansion of government to meet metropolitan needs, 239-240.

Missouri: forcible annexation procedure, 79; see Detroit.

Montreal (Quebec) Metropolitan Commission: 292, 295, 307, 309-310, 332-333.

Multnomah County: 242-243; see Portland, Oregon.

Newark and Essex County: expansion of county government to meet metropolitan needs, 243-245; North Jersey District Water Supply Commission, 271, 279, 291, 298, 299, 310, 319-323; see New Jersey.

New Jersey: proposed plan of regional government of New Jersey, 335-337; see Newark, Jersey City, Passaic Valley, South Jersey Port Commission, North Jersey District Water Supply Commission, New York City.

New Orleans: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; expansion by annexation, 66-68; cyclical nature of annexation movements, 94; police protection after consolidation, 126-127.

New York City: metropolitan area as defined by the census bureau, 8; independent minor centers merge with the big city, 13, 14; metropolitanism not a new phenomenon, 15, 16; boundaries of area, 17; growth of city and area, 18, 19, 20, 21; multiplication of political units, 25; number of political units, 27; need for governmental integration, 32, 34, 35, 39, 40; joint construction of Brooklyn bridge, 43-44; joint sewers, 46-48; Bronx River Parkway, 49-50; agreements *re* bus franchises, 50; coöperation between police departments in Northern New Jersey, 53; sale of water, 55, 56; consolidation, 66, 80; expansion by annexation, 66-68; prohibition of forcible annexation, 71, table VI; state boundaries cause complications, 82; county boundaries cause complications, 83; consolidation campaign, 94; cyclical nature of annexation movements, 94; extension of water supply after consolidation, 108; street lighting after consolidation, 117; construction of bridges after consolidation, 121-122; metropolitan transportation, 124-126; improvement of Brooklyn schools after consolidation, 130; street cleaning, 130-131; equalization of tax rates, 140-141; increase in expenditures after consolidation, 142-144; civic gains, 151; consolidation of city and county functions, 197-201; New York and New Jersey Bridge and Tunnel Commission, 267-270; Port of New York Authority, 272-274, 282, 284, 289, 295, 297, 302, 305, 311-312, 323-327, 339; see North Jersey District Water Supply Commission, Passaic Valley Sewerage Commission, County Government (Westchester County, etc.).

New York City's Borough Plan, Chapter XVII, 342-366; origin, 343-344; outline of the 1898 charter, 344-347; the borough presidents and the local improvement boards, 347-348; centralized departments with local branches, 348; schools, 348-349; courts and county government, 349-350; enlarged powers of self-government, 350-351; revision of 1898 charter, 351; the 1901 charter, 351-353; power to issue bonds, 353-354; increased centralization under the mayor, 354; some increased borough antonomy, 354-356; objections to the revised charter, 357-358; charter revision since 1901, 358-362; effects of borough plan on development of consolidated territory, 362-363; merits of the plan, 363-366.

Niagara Frontier Planning Association, 53-54, 291; composition of, 294, 297, 328.

North Jersey District Water Supply Commission: 271, 279, 284-285, 295, 296, 298, 299, 306-307, 310, 319-323, 339, 341.

Oakland, Calif. (see also San Francisco): a Federated City-County Government for Alameda County, 372-376.

Ohio: annexation law, 69; voluntary annexation procedure, 78; forcible annexation procedure, 79; annexation of territory in another county, 84; city-county consolidation, 191; see Cleveland, Cincinnati and Akron.

Oregon: annexation laws, 69, 74, 83-84; see Portland.

Palisades Interstate Park Commissions, 266-267.

Parks: metropolitan character of problem, 36; Bronx River Parkway, 49-50; expansion of park systems after consolidation or annexation, 122-123; development of park, by county: Cook, 225, Hayne, 231, Milwaukee, 233, Essex Hudson, 244, 245, Westchester, 248-250; metropolitan park authorities in Chicago, 260; see under Boston, Massachusetts Metropolitan District; Cleveland Metropolitan Park Commission; Palisades Interstate Park Commission; under New York City's Borough plan, 348, 355; see City Planning.

Passaic Valley (N. J.) Sewerage Commission: 264-265, 281, 287, 291, 295, 296, 298, 306-308, 310, 319-323, 339, 341.

Pennsylvania: annexation laws, 72; annexation of park territory, 79; annexation of territory in another county, 84; see Philadelphia and Pittsburgh.

Philadelphia: metropolitan area as defined by the census bureau, 8; independent minor centers merge with the big city, 13, 14; metropolitanism not a new phenomenon, 15, 16; growth of city and area, 18-21; multiplication of political units, 25; number of political units, 27; need for governmental integration, 29-30, 31, 34, 35; joint waterworks in 1850, 49; no sale of water, 55; sewage agreement, 62; consolidation, 66; expansion by annexation, 66-68; forcible annexation, 71, table VI, 80; annexation campaigns, 93, 94; disposition of debts, in annexations, 96; representation of new territory in government of city, 100, 104; extension of water supply after consolidation, 106-107; extension of sewer system, 113; street lighting in new territory, 116; city planning after consolidation, 118; construction of bridges after consolidation, 120; expansion of park system, 122-123; police protection, 126-127; fire protection, 128; effect of consolidation on expenditures, 144-146; census rating, 147-148; civic gains, 151; differentials in taxation between urban, suburban and rural properties, 161-162; city-county consolidation, 189, 190, 193-196; financial results of, 208; simplification of government, 210; difficulties of future annexations, 215; early special metropolitan authorities, 257; see South Jersey Port Commission.

Pittsburgh: metropolitan area as defined by the census bureau, 8; independent minor centers merge with the big city, 13; growth and shape of city and area, 18, 19, 20, 21; multiplication of political units, 25; number of political units, 27; no sale of water, 55; unsuccessful attempt at consolidation in 1867, 66; expansion by annexation, 66-67; voluntary vs. forcible annexation, 71, table VI, 80; annexation of Allegheny City, 81; annexation campaigns, 94; cyclical nature of annexation movements, 94; taxation and indebtedness in annexation and consolidation, 96-98; representation of new territory in government of city, 101-102; extension of water supply to new territory, 108, 110; census rating, 147-148; governmental gains, 152; differentials in taxation between urban, suburban and rural properties, 162-164; a federated government for Pittsburgh and Vicinity, 376-383.

Planning: unofficial organizations for, 53-54; after consolidation or annexation, 117-120; by counties, 22, 230-231, 233; under New York City's borough plan, 347, 361; under Pittsburgh's plan, 381; see Boston, Metropolitan Planning Division, Niagara Frontier Planning Association, Washington Suburban District, Essex Border Utilities Commission, Highways, Transportation.

Police Protection: metropolitan character of problem, 29, 37; coöperation between police departments, 52, 53; sale of services to the suburbs, 62; improvement after consolidation or annexations, 126-128; county police department, 222, 246; metropolitan police district, 257, 258; jurisdiction under Pittsburgh plan, 381.

Political Units: origin and types of, 24; rapid multiplication of, 25-28.

Population: growth of metropolitan areas, 18-20; improvement in census ratings, 146-149; gains in population through annexation, 149-150; population and area ratios of city and county, 171-173.

Portland, Oregon: metropolitan area as defined by the census bureau, 8; number of political units, 27; sale of water, 55, 59-60; consolidation, 66; expansion by annexation, 66-67; annexation law, 69; voluntary vs. forcible annexation, 74; annexation of territory in another county, 83-84; cyclical nature of annexation movements, 94; construction of bridges, 122; unsuccessful attempt to consolidate city and Multnomah County, 188; expansion of county government to meet metropolitan needs, 242-243; Portland Port Commission, 265, 292, 305, 328-329.

Port of New York Authority: see New York City.

Ports: metropolitan character of problem, 34; see also Portland Port Commission, Port of New York Authority, Seattle Port Commission, and South Jersey Port Commission.

Providence: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; sale of water, 55.

Public Health: metropolitan character of problem, 37; city inspection, 62-63; extension of service after annexation or consolidation, 131-132; service by county, 222, 224, 250; Pittsburgh scheme, 381; see Essex Border Utilities Commission.

Public Utilities: (see also Transportation); extension of services after annexations or consolidation, 132-133; see also Essex Border Utilities District, and East Bay (Calif.) Municipal Utility District.

Ramsey County: 239-240; see Minneapolis-St. Paul.

Regional Planning: see Planning.

Rochester: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27.

Sale of Services: see Intermunicipal Arrangements.

St. Louis: metropolitan area as defined by the census bureau, 8; growth and shape of city and area, 18, 21; number of political units, 27; need for governmental integration, 31; no sale of water, 55; expansion by annexation, 66-68; voluntary vs. forcible annexation, 73, table VI, 80, 81; state boundaries cause complications, 82; annexation campaign, 94; cyclical nature of annexation movements, 94; representation of the new territory in the government of the city, 101-102; city planning after annexation, 119; park development, 123; expenditures in added territory, 137-138; equalization of tax rates, 140; expenditures after annexation, 146; civic and governmental gains, 151-152; differentials in taxation between urban, suburban and rural properties, 164-165; city-county separation, 176-178; additional territory, 179; legal status of separated city-county, 180; treatment of city and county offices, 181-183; disposition of public property, 184; limitations on taxation and indebtedness, 184-185; popular opposition to separation, 185-186; attempt at city-county consolidation, 191-193, 196-197; financial results of separation, 205, 206-207; improvement in services, 209; effect on development of county territory, 212-214 future annexations, 215.

St. Paul: see Minneapolis.

San Francisco: metropolitan area as defined by the census bureau, 8, 20; number of political units, 27; no sale of water, 55; annexation of territory in another county, 83; city-county separation, 174-175; legal status of separated city-county, 180; limitation on taxation and indebtedness, 184; no opposition to separation, 185; financial results of separation, 205-206;

simplification of government, 210; slow development of San Mateo County, 213; difficulties in the way of future annexations, 214; East Bay Municipal Utility District, 280, 283, 285, 287, 291, 295, 301, 304, 327; attempt to federate the municipalities of Alameda County, 372-376.

San Mateo County: see San Francisco.

School Systems: admission of the children from suburbs to city school, 62; results of annexation or consolidation, 129-130; vocational education by county, 244; consolidated school district of Baltimore county, 246; in New York City under borough plan, 348-349, 356, 360; under federated scheme, 373.

Seattle: metropolitan area as defined by the census bureau, 8; number of political units, 27; sale of water, 55; expansion by annexation, 66-68; cyclical nature of annexation movements, 94; Port Commission, 290, 304.

Sewerage: metropolitan character of problem, 33 joint sewers, 46-49; sewage agreement, 48; sale of service, 62; extension of sewer systems after annexation or consolidation, 111-114; construction by county, 222, 232-235, 237, 246, 248-250; New York Metropolitan Sanitary District, 259; metropolitan sewerage commission for Boston 260-262; see Passaic Valley Sewerage Commission, Essex Border Utilities Commission, Vancouver and Districts Joint Sewerage and Drainage Board, Chicago Sanitary District, and Indianapolis Sanitary Commission.

Social and Economic Basis of the Suburban Trend: 10.

South Jersey Port Commission: 292, 297, 301, 309, 311.

Special Metropolitan Authorities: History and Scope, Chapter XIV, 256-257; early history, 257-259; special metropolitan organizations, 1870-1900, 260-265; metropolitan sewerage commission for Boston, 260-262; metropolitan park authority in Boston, 263; metropolitan water supply authority in Boston, 263-264; Passaic Valley Sewerage Commission, 264-265; Portland Port Commission, 265; activity since 1900, 265-287; Palisades Interstate Park Commissions, 266-267; New York and New Jersey Bridge and Tunnel Commission, 267-270; Recent Special Districts, 270-272; Port of New York Authority, 272-274; recent developments in the Boston area, 274-277; some generalizations, 277-278; mandatory or permissive acts, general or special, 278-280; incorporated or unincorporated, 281; activities, 282-284; territorial jurisdiction, 284-286; extension of boundaries, 286-287.

The Functioning of Special Metropolitan Authorities, Chapter XVI, 313-341; Massachusetts Metropolitan District Commission, 313-315; Is the Massachusetts District Scheme Democratic? 315-316; results of the Massachusetts schemes, 316-318; Chicago Sanitary Commission, 318-319; Passaic Valley Sewerage and North Jersey Water Supply Commission, 319-323; Port of New York Authority, 323-327; Cleveland Metropolitan Park Commission, 327; East Bay Utilities District, 327; Washington Suburban Sanitary District, 328; Niagara Frontier Planning Board, 328; Portland Port Commission, 328-329; Indianapolis Sanitary District, 330; Vancouver, 330-331; Winnipeg, 331; Montreal, 332-333; Essex Border Utilities District, 333-335; Proposed Plan of Regional Government in New Jersey, 335-337; success of special agencies, 337-338; influence on public opinion, 338; influence on governmental organization, 339-340; relative merits of certain forms, 340-341.

Street Cleaning and Garbage Removal: extension of service after annexation, 130-131.

Street Lighting: after annexation or consolidation, 116-117.

Street Paving: in annexed or consolidated territory, 114-115.

Structure and Powers, Chapter XV, 288-312; state controlled authorities, 288; authorities functioning independently of other local bodies, 289; federated authorities, 290-292; authorities controlled partly by state and partly by local government, 292; exception to classes described, 293; composition of the commissions, 293-295; terms and compensations of members, 295-296; powers to investigate and recommend, 296-298; powers of execution and maintenance, 298-301; methods of financing, 301-302; taxes and loans guaranteed by taxes, 302-305; exemption of property of district authority from municipal taxation, 305; assessments against municipalities—mandatory or contractual, 305; reasons for the adoption of assessment schemes, 306; schemes of assessment, 307-311; loans secured by enterprise, 311.

Summit County: see Akron.

Taxation: variations in resources and rates, 37-41; terms—legal and contractual—of annexation and consolidation, 95-98; equalization of tax rates, 139-141;

Differentials in Taxation between Urban, Suburban and Rural Properties, Chapter IX, 156-169; Baltimore, 156-161; Philadelphia, 161-162; Pittsburgh, 162-164; St. Louis, 164-165; economics and ethics of tax differentials, 165-169;

Limitations on taxation and indebtedness in city-county separation, 184-185.

Toledo: metropolitan area as defined by census bureau, 8, 20; number of political units, 27.

Town or Township: type of, 23; subdivision of, in New England, 24; congressional, 24; status, 25.

Transportation: 10-12; 15-16; 20-22; metropolitan character of problem, 35; Greater Cleveland Transportation Committee, 50; improvement of metropolitan transportation after annexation, 124-126; Massachusetts Metropolitan Transit District, 274-277, 281, 282-283, 285, 287-288; see Planning, New York City, Port of New York Authority.

Vancouver (B. C.): Vancouver and Districts Joint Sewerage and Drainage Board, 291, 295, 308, 310; Greater Vancouver Water District Administration Board, 291-292, 295, 330-331.

Village: type of governmental unit, 24; relation to township, 25.

Washington, D. C.: metropolitan area as defined by the census bureau, 8; number of political units, 27; sale of water, 55; Suburban Sanitary District, 272, 283, 289, 301, 304, 328.

Water Supply: metropolitan character of problem, 31; joint construction of water works, 49; sale of water by cities to surrounding territory, 56-61; extension of water supply after annexation or consolidation, 105-110; service by county, 235, 237, 246, 253; metropolitan water supply authority in Boston, 263-264; under Pittsburgh plan, 381; see North Jersey District Water Supply Commission, East Bay Municipal Utility District, Essex Border Utilities District, Washington Suburban Sanitary District, Greater Winnipeg Water District Administration Board, and Greater Vancouver Water District Administration Board.

Wayne County: original boundaries, 23; see Detroit.

Westchester County: Bronx River Parkway, 49-50; prohibition of forcible annexation, 71; expansion of government to meet metropolitan needs, 247-252; see also New York City.

Windsor, Ontario: see Essex Border Utilities District.

Winnipeg (Canada): Greater Winnipeg Water District Administration Board, 291, 295, 309, 331.

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